

TOWN PLANNING BOARD

Minutes of 428th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 29.10.2010

Present

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. Walter K.L. Chan	Vice-chairman
Mr. B.W. Chan	
Mr. Y.K. Cheng	
Professor Paul K.S. Lam	
Dr. James C. W. Lau	
Professor Edwin H.W. Chan	
Mr. Timothy K.W. Ma	
Dr. C.P. Lau	
Dr. W.K. Lo	
Ms. Anita W.T. Ma	
Mr. Stephen M.W. Yip	
Chief Traffic Engineer/New Territories West, Transport Department Mr. T.K. Choi	

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories,
Lands Department
Mr. Simon K.M. Yu

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Ms. Anna S.Y. Kwong

Mr. Rock C.N. Chen

Dr. W.K. Yau

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

In Attendance

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 427th RNTPC Meeting held on 15.10.2010

[Open Meeting]

1. The draft minutes of the 427th RNTPC meeting held on 15.10.2010 were confirmed subject to paragraph 5 of the minutes be amended by replacing “Mr. T.K. Tsui” with “Mr. T.K. Choi”.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting, Mr. W.W. Chan and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/NE-PK/1 Application for Amendment to the
Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11
from “Agriculture” to “Comprehensive Development Area”,
Various Lots in D.D. 91 and Adjoining Government Land,
Ping Kong, Sheung Shui
(RNTPC Paper No. Y/NE-PK/1)

3. The Committee noted that the replacement page 2 for the Paper to rectify the typing error in paragraph 3.2 had been sent to Members before the meeting. Then the Secretary reported that the applicant requested on 11.10.2010 for a deferment of the

consideration of the application for two months in order to allow time for the applicant to address the comments raised by various government departments.

4. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a period of two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/101 Temporary Goods Distribution and Storage Use with
Ancillary Parking Space for Heavy/Medium Goods Vehicles and
Private Cars for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses”,
“Agriculture” and “Green Belt” zones,
Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D. 52
and Adjoining Government Land,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/101B)

Presentation and Question Sessions

5. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary goods distribution and storage use with ancillary parking space for heavy/medium goods vehicles and private cars for a period of

three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Director of Agriculture, Fisheries and Conservation also did not support the application from the agricultural development point of view as the potential of the site for agricultural rehabilitation was high. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view as the temporary structure at the northern boundary of the site encroached on a small part of the adjoining “Green Belt” (“GB”) zone. This “GB” zone was covered with mature trees which provided a green buffer for the rural environment. Approval of the application might encourage further encroachment on the “GB” zone and might have adverse impact on the existing landscape resources. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the proposed Fanling North New Development Area (NDA). As the site formation works for the NDA were tentatively scheduled to commence in 2014/15, he suggested that the effective period of permission for the application should be granted to a date not later than the year of 2013;
- (d) three public comments were received during the statutory publication period. While one of them indicated ‘no comment’ on the application, the other one suggested that the applicant should provide landscape plantings and drainage facilities. The remaining public comment was received from a private individual, claiming himself as the land owner of Lot 181 in D.D. 52, who objected to the application as the applicant had not obtained his consent for the change of use of the site;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member, and the Village Representatives (VRs) of Wa Shan and Sheung Shui Heung had no comment on the application. The VRs of Wa Shan also stated that

the application should follow the laws of Hong Kong and the policy of concerned government departments; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper, which were summarised below:
- the applied use was in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” zone in the Fu Tei Au and Sha Ling area, which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles (including container trailers and tractors) and other port back-up uses. It was not incompatible with the surrounding land uses which comprised an open storage yard, container trailer park, public vehicle park with goods distribution and storage use, the abandoned meander of Ng Tung River, hillslopes and agricultural land;
 - only small portions of the site fell within the “Agriculture” (“AGR”) zone (about 139.3m² or 6.4% of the site area) and the “GB” zone (about 43.5m² or 2% of the site area). Besides, the portion of the site encroaching on the “GB” zone to its immediate north was separated from the main “GB” zone by a footpath, while the portion of the site encroaching on the “AGR” zone to its immediate south was the access track leading from Man Kam To Road. Hence, the use under application was expected to have minimal impact on the agricultural development of the area and the adjoining “GB” zone;
 - the applied use was in line with the Town Planning Board (TPB) Guidelines No. 13E in that majority of the site (91.6%) fell within Category 1 area and no major adverse departmental comments or local objections had been received on the application. To address DEP's concerns and to minimize possible environmental nuisance, an approval condition on restricting the operation hours was recommended. Regarding the concerns of the Water Supplies Department that the application site had encroached on the waterworks

- reserve (WWR), an approval condition was recommended prohibiting the erection of structures within the WWR;
- although the application site fell within the boundaries of the North East New Territories NDA Planning and Engineering Study, the final recommendations of the Study were yet to be formulated and the site formation works would only commence in 2014/15. Hence, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning and development of the area; and
 - regarding the public comment on the provision of landscaping and drainage facilities, relevant approval conditions on these aspects had been recommended. For the objection raised by the landowner, the applicant would be advised to resolve the land issue relating to the development with the concerned owner(s) of the subject site should the application be approved by the Committee.

6. Referring to the public comment submitted by a private individual at Appendix VI of the Paper, a Member sought clarification on the owner's consent issue raised by the commenter. In response, Ms. Doris S.Y. Ting said that the application site comprised Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D. 52 and adjoining government land. According to the land record, there was no record of Lot 181 as claimed by the commenter, whereas Lot 181 RP (Part) was a piece of Tso Tong land and was not owned by the commenter. Besides, the applicant had complied with the requirements set out in the TPB Guidelines No. 31 on satisfying the 'owner's consent/notification' by obtaining consent from some of the current landowners and sending notification by registered post to the remaining landowner.

7. In reply to another Member's enquiry, Ms. Doris S.Y. Ting said that the application site was subject to planning enforcement action concerning unauthorized storage, loading/unloading and vehicle parking uses, and an Enforcement Notice was issued on 1.3.2010. The current application was for temporary goods distribution and storage use with ancillary parking space for goods vehicles and private cars. Should the application be approved by the Committee and the uses on the site were different from the approved ones,

appropriate planning enforcement action would be undertaken against the unauthorized uses. The Secretary added that as the application site was currently being used for temporary goods distribution and storage use without valid planning permission, it was a practice of the TPB to incorporate an advisory clause as stated in paragraph 13.2(c) of the Paper to remind the applicant to discontinue the use/development not covered by the permission.

8. A Member enquired on the criteria in assessing applications which involved “GB” sites, taking into account that there was a general presumption against development within the “GB” zone. Ms. Doris S.Y. Ting said that while developments were generally not encouraged within the “GB” zone, each application would be assessed on its own merits. In this case, it was only the canopy of a shed at the northern boundary of the site that had protruded to the adjoining “GB” zone. Moreover, this part of the application site that was zoned “GB” was physically separated from the main “GB” zone by a footpath and was not covered by any trees. In view of the above, it was considered that the applied use would not have any significant impact on the adjoining “GB” zone.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no structure should be erected within the waterworks reserve and such area should not be used for storage purpose during the planning approval period;
- (d) the submission of landscaping and tree maintenance proposal within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 29.4.2011;

- (e) in relation to (d) above, the implementation of the approved landscaping and tree maintenance proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2011;
- (f) the submission of proposals for fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2011;
- (i) in relation to (h) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2011;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

10. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (d) to note the comments of the District Lands Officer/North that :
 - (i) the owners of the lots should apply to his office for Short Term Waiver(s) for regularization of the structures erected on site and Short Term Tenancy for the occupation of government land; and
 - (ii) he would resume or take new action as appropriate according to the established district lease enforcement and land control programme. Should planning approval be granted, he would review the situation accordingly;
- (e) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In preparing the proposal for FSIs, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be clearly marked on the layout plans;
- (f) to note the comments of the Commissioner for Transport that the land status of the van track leading from Man Kam To Road to the application site should be checked with the lands authority, and the management and maintenance responsibilities of the van track should be clarified with the relevant lands and maintenance authorities;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
 - (i) for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) the application site was located within the WSD flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
 - (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the site boundary should not encroach on the “Green Belt” zone; and
 - (i) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/NE-KTN/142 Proposed House in “Comprehensive Development Area” zone,
Lot 714 RP in D.D. 92,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/142)

11. The Committee noted that the applicant requested on 12.10.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address the traffic and visual issues raised by concerned government departments.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/300 Proposed House (New Territories Exempted House – Small House)
 in “Agriculture” zone,
 Lot 819 in D.D. 100 and Adjoining Government Land,
 Hang Tau, Sheung Shui

(RNTPC Paper No. A/NE-KTS/300)

Presentation and Question Sessions

13. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural development point of view as the potential of the site for agricultural rehabilitation was high. Moreover, the aerial photograph taken in 2009 showed that the application site was a well vegetated area forming part of a wooded area in the adjacent “Green Belt” zone. However, his recent site inspection on 15.9.2010 revealed signs of excavation and tree pruning activity in the area, mainly within the application site. Such unauthorized site clearance prior to approval of development proposals/planning application should be deterred. Though he could not confirm the above works and the application were related, approval of this case might set a bad precedent for this malpractice. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning point of view. With reference to the aerial photograph taken in December 2009, the site was covered with trees and vegetation. However, site photographs taken on 10.9.2010 revealed that the site was recently excavated and topsoil with existing trees and vegetation were removed. Although the proposed Small House was not incompatible with the surrounding village houses, approval of the application might set an undesirable precedent and encourage further extension of the village area into the “Agriculture” (“AGR”) zone and affect the native trees and the existing woodland and its surrounding areas;
- (d) four public comments were received during the statutory publication period. One comment from a member of the public indicated ‘no comment’ on the application. Two comments from an indigenous inhabitant of Hang Tau Village and the Chairman of Sheung Shui Tai Po Hang Tau Village Residents Welfare Association objected to the application mainly on ‘fung shui’ grounds as the application site was near to a shrine and the existing burial ground of Hang Tau Village. The remaining comment from the Designing Hong Kong Limited also objected to the application on the grounds that the proposed development was incompatible with the zoning

intention and character of the area; the layout of existing and proposed infrastructure and development was incompatible with the current and proposed land uses; and the lack of a sustainable village layout for the area might further deteriorate the living environment of the villages;

- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member, the Indigenous Inhabitants' Representative and the Residents' Representative of Hang Tau had no comment on the application; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House development complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the application site and the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Hang Tau Village and there was a general shortage of land in the “Village Type Development” (“V”) zone of the same village to meet the demand for Small House development. Although the proposed Small House was not in line with the planning intention of the “AGR” zone, it should be noted that the application site was close to the boundary of the “V” zone and fell entirely within its ‘VE’. The proposed Small House was not incompatible with the adjacent village setting and the surrounding environment of a rural character. Moreover, a total of 32 similar applications for Small House developments in the vicinity within the same “AGR” zone had been approved by the Committee. Regarding the public comments against the proposed Small House development, it should be noted that concerned government departments, including the Lands Department, Transport Department, Drainage Services Department and Environmental Protection Department, had no adverse comment or objection to the application, and that ‘fung shui’ was outside the planning consideration by the Committee.

14. In response to a Member's question, Mr. Simon K.M. Yu of the Lands Department (LandsD) said that if the application site involved government land, the applicant

was required to apply to the LandsD for a land grant.

Deliberation Session

15. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 29.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

16. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
 - (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and

- (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/718 Shop and Services (Retail Shop) in “Industrial” zone,
 Unit K2, G/F, On Wah Industrial Building,
 41-43 Au Pui Wan Street,
 Fo Tan, Sha Tin

(RNTPC Paper No. A/ST/718)

Presentation and Question Sessions

17. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The retail shop under application was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. The remaining aggregate commercial floor area for the subject industrial building was 460m². Approval of the current application involving a floor area of about 12.9m² would not exceed the maximum permissible limit of 460m². The Fire Services Department had no objection to the application subject to the provision of fire safety measures and a means of escape completely separated from the industrial portion of the subject building. The retail shop under application was in line with the Town Planning Board Guidelines No. 25D as the applied use would have direct discharge to street and would not adversely affect the traffic conditions of the local road network. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

18. Members had no question on the application.

Deliberation Session

19. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

20. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Sha Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls having a fire resisting period of not less than two hours;
- (e) to note the comments of the Director of Fire Services that detailed fire

service requirements would be formulated upon receipt of formal submission of general building plans, and a means of escape completely separated from the industrial portion of the subject building should be available for the area under application; and

- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/719 Temporary Shop and Services for a Period of 5 Years
 in “Industrial” zone,
 Unit C5 (Portion), G/F, Block 1, Kin Ho Industrial Building,
 14-24 Au Pui Wan Street,
 Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/719)

Presentation and Question Sessions

21. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) during the statutory publication period, one public comment was received from the Committee Member of the Incorporated Owners (IOs) of Century Centre who opined that the business operation (selling fruit) within the application premises would not affect any public interest. However, the pavement fronting the shop should not be obstructed so as to maintain a pleasant street view and to avoid accidents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The temporary shop and services use for a period of five years at the application premises was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. The remaining aggregate commercial floor area for the subject industrial building was 460m². Approval of the application involving a floor area of about 33m² would not exceed the maximum permissible limit of 460m². In this regard, the Fire Services Department had no objection to the application subject to the provision of fire safety measures and a means of escape completely separated from the industrial portion of the subject building. The temporary shop and services use at the application premises was in line with the Town Planning Board Guidelines No. 25D as the applied use would have direct discharge to street and would not adversely affect the traffic conditions in the local road network. Although the applicants applied for a temporary approval of five years, in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

22. Referring to the public comment submitted by the Committee Member of the IOs of Century Centre at Appendix III of the Paper, a Member opined that normally only the Chairman of the IOs or a person duly authorized by the IOs was in the position of

representing the IOs' stance. This Member suspected that the comments given by the concerned Committee Member might only represent her own views.

Deliberation Session

23. In view of the concern raised by the public commenter, Mr. T.K. Choi of the Transport Department suggested to incorporate an additional advisory clause to remind the applicants not to obstruct the pedestrian flow on the pavement in front of the shop. Members agreed.

24. As regards the Member's view on the public comment received, the Chairman said that all the public comments received would be taken into account in considering an application, irrespective of whether they were submitted in the name of an organisation or a private individual.

25. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

26. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before commencing

- the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
 - (c) to apply to the District Lands Officer/Shan Tin for a temporary waiver to permit the applied use;
 - (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls/floors having a fire resisting period of not less than two hours;
 - (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans, and a means of escape completely separated from the industrial portion of the subject building should be available for the area under application;
 - (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations; and
 - (g) the operation of the applied use should not obstruct the pedestrian flow on the pavement in front of the application premises.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/321 Proposed Temporary Hobby Farm
(Organic Farm and Fresh Provision Shop) for a Period of 5 Years
in “Agriculture” zone,
Lots 323 S.C and 1030 (Part) in D.D. 29,
Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/321)

Presentation and Question Sessions

27. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – part of the application site (Lot 1030 (Part)) was the subject of a previous application No. A/NE-TK/285 for temporary shop and services use (fresh provision shop and food factory) for a period of three years, which was rejected by the Town Planning Board (the Board) on review on 11.12.2009. During the consideration of the review application, some Members of the Board considered that the applied use was in nature an ancillary use to hobby farming rather than a fresh provision shop and food factory. The Board decided to reject the application as the proposed food factory should not be permitted within the “Agriculture” (“AGR”) zone. The applicant was advised to consider seeking planning permission for ‘hobby farm’ which might be a more appropriate use;

- (b) the proposed temporary hobby farm (organic farm and fresh provision shop) for a period of five years – the organic farm (about 259m²) was currently operated at the western portion of the site (Lot 323 S.C) which was always permitted within the “AGR” zone. The proposed fresh provision shop (about 135.2m²) would be operated at the eastern portion of the site (Lot 1030 (Part)) which was ancillary to the hobby farm and required

planning permission from the Board;

- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) advised that Letters of Approval were given in 1987 for the erection of agricultural structures on Lot 1030 including agricultural storage, shade, flower trellis and a watchman shed. Preliminary site inspection revealed that some structures on Lot 1030 (not forming part of the application site) had been converted to domestic purpose without the approval of his office. As unauthorised conversion to domestic use constituted a breach of the lease conditions of Lot 1030 and the conditions of the Approval Letters, his office would consider appropriate enforcement action. Although the said structures fell outside the application site, he did not support the application unless the applicant had rectified the breaches. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view. He considered that as the site was located within the “AGR” zone, it should be maintained for agricultural activities. However, the site was occupied by temporary structures with only a part of it used for agricultural purposes;
- (d) during the statutory publication periods of the application and the further information, a total of 27 public comments were received. One of them was submitted by the Designing Hong Kong Limited who raised concern that the technical assessments submitted were inadequate to demonstrate that the proposed use would not generate adverse traffic, environmental and drainage impacts on the surrounding areas. The other comments were submitted by Ting Kok Village Council (jointly signed by the Chairman, Indigenous Inhabitants Representatives and Resident Representative) and indigenous villagers of Ting Kok Village (25 of them in standard letters), who objected to the application on the grounds that the site was very close to the nearby residents and caused unnecessary nuisances; the site was zoned “AGR” and should not be used for house and commercial use; and approval of the application would set an undesirable precedent for other similar applications resulting in a general degradation of the environment and adverse traffic impacts on the local road network; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper, which were summarised below :
- the proposed fresh provision shop would be operated under an existing agricultural structure which was permitted under the lease for flower trellis and currently used for temporary storage. According to the applicant, the proposed temporary use was to meet the request of part-time farmers to provide a place with basic facilities, including tables, chairs and water-sinks, to allow them to buy farm products and to process/consume their farm products such as cutting and washing of vegetables for making salad, salted and dried vegetables. The processing and selling of these vegetable products would comply with the relevant government departments' requirements which included obtaining a fresh provision shop licence from the Food and Environmental Hygiene Department (FEHD). The applicant clarified that the area used for selling of farm products would only be 30m²;
 - while DAFC did not support the application from the agricultural point of view, the small scale and the temporary nature of the applied use would unlikely affect the long-term use of the site. The organic farm was always permitted within the “AGR” zone and the fresh provision shop was to provide support for the operation of the farm. The proposed temporary use was considered not incompatible with the surrounding agricultural setting and would unlikely cause significant adverse impacts on the rural landscape. For DLO/TP's comments against the unauthorised conversion of some structures for domestic purpose on Lot 1030, as the subject structures were outside the application site, it should not affect the proposed use under this application;
 - regarding the public comments, it was noted that the nearest village houses in the area were about 90m away from the application site on the opposite side of Ting Kok Road, and the application site was

separated from Ting Kok Road by a temporary barbecue site with car park under an approved planning application (No. A/NE-TK/281) operated by the same applicant of the current application. The proposed temporary fresh provision shop, which was small in scale (about 135.2m²), would unlikely cause nuisance to the local villagers or generate adverse traffic, environmental and drainage impacts on the surrounding areas. Concerned government departments, including the Transport Department, Environmental Protection Department and Drainage Services Department, had no adverse comments on the application. Nevertheless, in view of the local concerns on potential nuisances caused by the temporary use, an approval condition restricting the operation hours was recommended to minimise any potential adverse impacts; and

- considering that the proposed organic farm and fresh provision shop were small in scale and not incompatible with the adjoining agricultural uses, sympathetic consideration could be given to granting permission to the proposed use on a temporary basis. However, in view of the public concerns, a shorter approval period of three years, instead of five years as requested by the applicant, was recommended to allow close monitoring of the use on the site.

28. A Member noted the adjacent lots were also rented by the applicant for agricultural uses and the total area of farmland including the application site amounted to about 15 000m². In view of the local objections received against commercial use at the application site, this Member asked whether the proposed fresh provision shop would be used as the ‘selling point’ for the applicant’s farm products from his adjacent farmland. Ms. Lisa L.S. Cheng said that, according to the applicant, the proposed fresh provision shop would be operated under an existing agricultural structure and the area used for selling farm products would only be about 30m² with the remaining covered area used as exhibition/teaching/sitting areas and toilets. While the part-time visiting farmers would be engaged in organic farming on their own plots of land at the western portion of the site, they would gain a better understanding of different plants and crops through visiting the applicant’s farmland on the adjacent lots. Besides, the application site was located not far away from a bus stop, and most of the farm users would use public transport. As the proposed use was small in

scale, it would unlikely generate adverse impacts on the surrounding areas. In view of the above, there was no objection to the proposed use on a temporary basis.

29. Another Member asked whether the local objection on grounds of house building at the application site was justified. Ms. Lisa L.S. Cheng said that the current application was for a temporary hobby farm (organic farm and fresh provision shop) use on the application site. While there was no proposed structure for the organic farm, the proposed fresh provision shop would be operated under an existing agricultural structure, which was permitted under the lease for flower trellis. Hence, the application would not involve any house development on the site.

Deliberation Session

30. The Secretary briefed Members of the background of the case. She said that the operation of the proposed fresh provision shop under the current application was similar with the previous application No. A/NE-TK/285 submitted by the same applicant. The applicant had applied for fresh provision shop and food factory uses at the eastern portion of the site under Application No. A/NE-TK/285. At the review hearing of the application on 11.12.2009, Members noted from the applicant's presentation that the main purpose of the proposed uses was to provide a place for part-time farmers to consume/process their farm products such as cutting and washing vegetables. The applicant had explained that although no cooking would be involved at the application site, FEHD requested that a food factory licence be obtained. Although some Members had been sympathetic to the applicant and considered that the applicant had genuine intention to provide the necessary facilities to cater for the need of the part-time farmers, the proposed food factory should not be permitted within the "AGR" zone. Members agreed that Application No. A/NE-TK/285 should be rejected and the applicant was advised to seek planning permission for 'hobby farm' use for the site, which might be more appropriate.

31. Some Members supported the proposed hobby farm as it could promote and encourage agricultural use of farmland, provide employment opportunities for farmers as well as promote local tourism. The above views were shared by other Members.

32. After further deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2011;
- (c) in relation to (b) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2011;
- (d) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

33. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issue relating to the development with other concerned owner of the application site;
- (b) to note the comments of the District Lands Officer/Tai Po that some structures on Lot 1030 had been converted to domestic purpose without the approval of his Office. As unauthorised conversion to domestic use constituted a breach of the lease conditions of Lot 1030 and the conditions of the Approval Letters, his Office would consider appropriate enforcement action. The applicant was required to rectify the breaches to the satisfaction of his Office;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that as public sewerage connection was not available for the site, the Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of the proposed septic tank. Also, there was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact on the adjacent area. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should be liable for and should indemnify claims and demands arising out of damage or nuisance

caused by a failure of the systems; and

- (e) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval and subsequently the FSIs in accordance with the approved proposal should be provided. In preparing the submission, the applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans/licensing application.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/458 Religious Institution including Ancillary Staff Quarters and Service Use
 in “Village Type Development” zone,
 Lots 755 S.B., 941 S.B. (Part) and 1361 in D.D. 6 and
 Adjoining Government Land,
 62 Kam Shan Village, Tai Po
 (RNTPC Paper No. A/TP/458)

Presentation and Question Sessions

34. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the religious institution including ancillary staff quarters and service use – the application was for a Buddhist hall with ancillary staff quarters and Chinese medical consultation/Chinese medicine use, which were currently

accommodated in a two-storey plus cockloft village house with a covered courtyard outside. According to the applicant, the application site would be open daily for providing medical consultation and prescription of Chinese herbal medicine as well as offering a place for gatherings and the management of temple affairs. On the 1st and 15th day of every lunar month, the Buddhist hall would also be open to lay followers for worship, burning joss sticks and engaging in other Buddhism practices. The number of visitors during the celebration of Buddha's birthday, Dharma service and festivals would be about 45 to 60;

- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) objected to the application as the subject site, which fell within the “Village Type Development” (“V”) zone and the village ‘environs’ ('VE') of the recognized village (Kam Shan Village), should be reserved for the development of New Territories Exempted House (NTEH) by indigenous villager although there was no Small House or redevelopment applications received for the subject site. Land search record showed that the land owners of Lots 755 S.B. and 1361 in D.D. 6 were Cheung Chiu-hon and Lau Bing-ye whilst Lot 941 S.B. in D.D. 6 was Benevolence Furtherance Foundation Limited, which were different from the applicant Han Yang-tao. The Chief Building Surveyor/New Territories West, Buildings Department advised that his record showed that approval had not been obtained under the Buildings Ordinance (BO) for the existing building/structures on the application site. He would not support the application if the subject buildings were found to be unauthorized building works under the BO. The Director of Environmental Protection (DEP) did not support the application as the subject site was located in a “V” zone and surrounded by village houses, the religious institution would bring about environmental nuisance to the nearby residents due to outdoor activities such as burning of joss sticks and paper offerings and the use of bells and drums;
- (d) during the statutory publication period, 12 public comments were received which were highlighted below :
 - the comment submitted by the Tai Po District Council Member Lo

Sou-chour objected to the application on the grounds that the site was too small to operate the applied uses and too close to residential dwellings. He was concerned about the fire safety of the application premises, and the villagers worried that the site would be used for deposit of cremated ashes;

- the comment from the Indigenous Inhabitant Representative of Kam Shan Village objected to the application as the development would bring in additional visitors and vehicles to the village and cause noise and nuisance to the residents. He considered the existing supporting community facilities in the village adequate and there was no need for additional religious institutions, shops and services;
 - three comments were received from the Village Representatives of Kam Shan Village and the Chairman of Kam Shan Village Office who objected to the application in view of the objections raised by the residents of Kam Shan Village; and
 - the remaining seven comments were submitted by residents of Kam Shan Village and one individual raising objection to the application. They questioned about the legitimacy of the operation and expressed concern on the nuisance to nearby residents, environmental pollution, road safety, effect on property prices and possible conversion to columbarium;
- (e) the District Officer (Tai Po) advised that while the applicant planned to develop a religious institution at the site, some local residents living in Kam Shan and pressure groups might express concerns that the site might eventually be converted into a columbarium; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper, which were summarised below :
- the application involved the use of an existing village house in the middle of the “V” zone of Kam Shan Village for religious and medical

consultation purposes. These uses were not in line with the planning intention of the “V” zone for the area. Land within this zone was primarily intended for the development of Small Houses by indigenous villagers. There was insufficient information in the submission to justify a departure from this planning intention. According to PlanD’s record, there was a shortage of land within the subject “V” zone to meet the Small House demand from the nearby Pan Chung, Pan Chung San Tsuen, Kam Shan and Shek Kwu Lung. DLO/TP also indicated that the site fell within the ‘VE’ of Kam Shan Village and should be reserved for the development of NTEH by indigenous villagers;

- the subject development would include a place for worship and burning of joss sticks. No information had been provided in the submission to demonstrate that the proposed development would not have adverse environmental impacts on the surrounding areas. In this regard, DEP was concerned about the environmental nuisance to the nearby residents due to outdoor activities of the religious use such as burning of joss sticks and paper offerings and the use of bells and drums. In the absence of information in the application to address the potential environmental concerns, DEP did not support the application; and
- there were public comments objecting to the application mainly on the grounds that the development was too close to residential dwellings, its possible nuisance and adverse environmental impacts on the surrounding areas, and the possible conversion into columbarium which was not a permitted use in the “V” zone.

35. Members had no question on the application.

Deliberation Session

36. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zoning for the area which was primarily intended for development of Small Houses by indigenous villagers. There was insufficient information in the submission to justify a departure from this planning intention;
- (b) the approval of the application would set an undesirable precedent for similar developments within the “V” zone; and
- (c) no information had been provided in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

[The Chairman thanked Ms. Doris S.Y. Ting, Mr. W.W. Chan and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Ms. S.H. Lam, Mr. Kepler S.Y. Yuen and Mr. Anthony C.Y. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/404 Temporary Shop and Services (Retail Shops for Selling Lighting
for Factories) for a Period of 5 Years
in “Industrial” zone,
Portion of Unit No. 1, G/F, Parklane Centre,
25 Kin Wing Street, Tuen Mun
(RNTPC Paper No. A/TM/404)

Presentation and Question Sessions

37. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the applicant originally applied for a renewal of planning permission under the previous application No. A/TM/336 for a further period of five years. However, Application No. A/TM/336 covered a larger premises comprising both Units No.1 (part) and 2 (part) on the G/F of the subject building as well as for a wider range of uses (i.e. retail of lighting and stationery), while the current application only involved the use of Unit No.1 (part) for the retail of lighting. Hence, the current application was considered as a fresh application, instead of renewal of the previous approval;
- (b) the temporary shop and services (retail shops for selling lighting for factories) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper, which were summarised below :
 - the use under the application was for a small-scale retail shop of lighting for factories of about 32m² in an existing industrial building. The application was in line with the Town Planning Board Guidelines No. 25D as no adverse impacts on the environment and infrastructure of the area were anticipated. Relevant government departments

- consulted had no adverse comments on the application;
- the retail shop for selling lighting for factories was not incompatible with the adjoining units on the G/F of the same building, which mainly comprised retail shop, bakery, caretaker's office, convenience store and parking and loading/unloading area;
 - the subject industrial building with sprinkler system was subject to a maximum permissible limit of 460m² for the aggregated commercial floor area on the G/F. As the previous approvals for commercial floor area on the G/F of the subject industrial building had either been revoked or about to lapse, approval of the retail shop with a floor area of about 32m² would not exceed the maximum permissible limit of 460m². Moreover, separate means of escape was available for the application premises because it fronted directly onto Kin Wing Street. In this regard, the Director of Fire Services had no objection to the application provided that fire service installations (FSIs) were provided to his satisfaction;
 - it was noted that the approval condition on FSIs under the previous application (No. A/TM/336) had not been complied with due to the applicant's misconception that the sprinkler system in the subject premises was adequate to meet the requirement. The applicant had indicated that he would entirely comply with the conditions imposed if the application was approved. Under such circumstances, sympathetic consideration could be given to the current application. However, shorter compliance period of approval conditions were recommended to ensure early fulfilment of the FSIs requirements, and revocation clause was also recommended in case of non-compliance with approval conditions. Moreover, the applicant would be advised that should he fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application; and
 - in order not to jeopardize the long-term planning intention of industrial use for the subject premises, a temporary approval of three years,

instead of five years as requested by the applicant, was recommended.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal for the application premises within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.1.2011;
- (b) in relation to (a) above, the provision of fire service installations for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

39. The Committee also agreed to advise the applicant of the following :

- (a) the applicant should strictly adhere to the time limit for complying with the approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to note the comments of the Director of Fire Services that the application premises should be completely separated from the industrial portion of the building by proper fire resistance construction and design, and the means of escape of the application premises should be completely separated from the industrial portion. Detailed fire service requirements would be formulated

- upon receipt of formal submission of general building plans;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the application premises should be separated from the adjoining units and the corridor with walls having a fire resisting period of not less than two hours, and the door to the corridor having a fire resisting period of not less than one hour. The applicant should comply with the barrier free access provisions in accordance with Building (Planning) Regulation 72; and
 - (d) to observe the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/204 Proposed Three Houses
(New Territories Exempted Houses – Small Houses)
in “Residential (Group E)” zone,
Lot 215 S.C in D.D. 130 near San Hing Road, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/204A)

Presentation and Question Sessions

40. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses – Small Houses);

- (c) departmental comments – the District Lands Officer/Tuen Mun (DLO/TM) advised that as the application site was not within the “Village Type Development” (“V”) zone and less than 50% of it fell within the village ‘environs’ (‘VE’) , Small House applications in respect of the site would not be considered under the current policy even if the planning application was approved. The Antiquities and Monuments Office of Leisure and Cultural Services Department advised that the site was located within San Hing Tsuen Archaeological Site, the applicant should be requested to conduct an archaeological investigation prior to the commencement of construction work for the proposed development if the application was approved by the Committee;
- (d) two public comments were received during the statutory publication period. While the public comment from a Tuen Mun District Council Member indicated support to the application, the other comment from the Designing Hong Kong Limited raised objection to the application on the grounds that the proposed houses were incompatible with the planning intention of the “V” zone and the character of the area; a sustainable village layout with quality design was not available for the area; and lacking of a sustainable layout prior to the approval would have adverse impacts on the living environment and the well-being of residents as well as create health and social problems; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. There was no shortage of land for meeting the demand for Small House development in the nearby “V” zone based on the 10-year forecast for Small House demand. About 17.18 ha of land was still available within the subject “V” zone, which could accommodate about 687 Small Houses to meet the outstanding Small House applications and other Small House developments in the near future (about 563 numbers). Moreover, the concerned indigenous villagers were not indigenous villagers of the nearby villages. The applicants had not explained why a site within a nearby “V” zone, or other “V” zones in Tuen Mun, could not be identified for the

proposed Small Houses. DLO/TM did not support the application as the subject site was not within the “V” zone and less than 50% of it fell within the ‘VE’. He also indicated that his Office had no information at this stage to ascertain whether the three persons mentioned in the applicant’s submission were indigenous villagers eligible for Small House grant or not. Unlike the six similar applications for Small House in the same “Residential (Group E)” zone which were approved in 1994-95 when the area was zoned “Unspecified Uses”, the footprints of the proposed houses under the current application fell mostly outside the ‘VE’. There were insufficient grounds for sympathetic consideration of the current application by the Committee.

41. Members had no question on the application.

Deliberation Session

42. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reason was :

- the proposed New Territories Exempted Houses (Small Houses) did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that over 50% of each of the footprints of the three proposed Small Houses fell outside both the village environs and the “Village Type Development” zone. There were no exceptional circumstances to warrant approval of the application.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/208 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lots 2785 S.Y, 2785 S.Z and 2785 RP (Part) in D.D. 124,
Sun Fung Wai, Tuen Mun

(RNTPC Paper No. A/TM-LTYY/208)

Presentation and Question Sessions

43. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation (EPS));
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from a Tuen Mun District Council Member indicating support to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed EPS was to serve the 19 Small Houses under construction in the same “Village Type Development” zone. This small-scale substation with a floor area of about 11.95m² and a building height of about 3m on a site of 56.5m² was not incompatible with the surrounding area of rural character dominated by village houses, and fallow and cultivated

agricultural land. It was anticipated that the proposed EPS would not have significant adverse impacts on the health, environment, traffic, infrastructural capacity, landscape quality and nature conservation aspects. The Director of Health opined that compliance with relevant International Commission on Non-Ionizing Radiation Protection guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields. The Director of Environmental Protection did not anticipate adverse potential environmental impacts associated with the proposed development. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application from the urban design and landscape perspectives. Other departments consulted had no objection to/no comments on the application. To address the technical issues as raised by the concerned departments, approval conditions requiring the submission and implementation of landscape proposal, drainage proposal as well as fire service installations proposal was recommended.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 29.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of water supplies for fire-fighting and

fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB.

46. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the District Lands Officer/Tuen Mun that a Short Term Waiver should be obtained from his office for the proposed structures to be erected on the lots;
- (b) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority; and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Health that compliance with relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields; effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities was encouraged; upon commissioning of the electricity package substation, it was advisable to verify the actual compliance with the ICNIRP guidelines with direct on-site measurements by relevant parties;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission by an authorised person for the proposed development was required under the Buildings Ordinance. If the site did not abut on a specified street having a width of not less than

4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant should note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services to WSD's standards. Moreover, the water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/331 Proposed Temporary Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2371 RP, 2413 (Part), 2414 RP (Part), 2416 RP (Part) and 2417 RP (Part) in D.D. 124, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/331)

Presentation and Question Sessions

47. Ms. S.H. Lam, STP/TMYL, said that the proposed temporary vehicle park under the application was not intended for public vehicle park purpose, hence the word ‘public’ should be deleted from paragraphs 1.1 and 1.3 of the Paper. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary vehicle park for private cars and light goods vehicles for a period of three years – a total of 10 parking spaces for private cars and six parking spaces for light goods vehicles would be provided for the parking of company cars by the operator;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. Although the site was within a large area zoned “Comprehensive Development Area” (“CDA”) for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, there was no known development proposed for the “CDA” zone. The temporary use would not frustrate the implementation of the planned use in the long term. The proposed vehicle park involving parking of private cars and light goods vehicles only was considered not incompatible with the surrounding land uses which were mainly vacant sites, residential dwellings, open storage yards and Light Railway facilities. In view of the nature and scale of the development which provided only 10 parking spaces for private cars and six parking spaces for light goods vehicles, it was unlikely that the development would create significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Approval conditions restricting the operation hours, workshop activities and types of vehicles were recommended to minimise the potential impacts on the surrounding environment. Any non-compliance with the approval conditions would result in the revocation of the planning permission and

unauthorised development on site would be subject to enforcement action by the Planning Authority. Concerned government departments had no adverse comments on the application.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, repairing or other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and coaches were allowed to be parked on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2011;
- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2011;

- (g) the submission of a tree monitoring report every 6 months from the date of planning approval during the planning approval period to the satisfaction of the Director of Planning or of the TPB;
- (h) the implementation of drainage facilities, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2011;
- (i) the provision of periphery fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2011;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

50. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the registered owner of the lots concerned should apply to his office for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owner. Moreover, the site was accessible from Hung Shui Kiu Tin Sam Road through an informal track on other private land and government land. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (c) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site to Hung Shui Kiu Tin Sam Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed drainage channels

should not be in conflict with the existing trees and proposed new trees protected root zone. Adjustment should be made if conflicts arose;

- (g) to note the comments of the Director of Fire Services that in consideration of the proposed stand-alone container-converted store room, fire extinguisher(s) should be provided as required by occupancy and should be clearly indicated on plans; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required. The use of containers as guardroom or store was considered as temporary structures and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. The applicant should also note the requirements on the provision of emergency vehicular access under B(P)R 41D.

Agenda Item 15

Section 16 Application

[Open Meeting]

- A/YL-PS/330 Temporary Shop and Services (Fast Food Shop) for a Period of 4 Years
in “Village Type Development” zone,
G/F, No. 42 Hang Mei Tsuen,
Ping Shan Hang Mei Lot 68 S.A in D.D. 122,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/330)
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51. The Committee noted that the applicant requested on 15.10.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare additional information to address the concerns of relevant departments.

52. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-KTS/507 Proposed House and Minor Relaxation of Building Height Restriction
in “Village Type Development” zone,
Kat Hing Wai Lots 151 and 152 and
Lots 399 (Part) and 1411 in D.D. 109,
Kat Hing Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/507)

53. The Committee noted that the applicant requested on 14.10.2010 for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the departmental comments.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/614 Temporary Dog Training Ground and Dog Swimming and Recreational Centre for a Period of 3 Years in “Residential (Group D)” zone, Lots 117 (Part), 119 (Part), 121 (Part), 122, 123 (Part), 124 (Part), 125 (Part), 127 (Part) and 128 (Part) in D.D. 108 and Adjoining Government Land,
Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/614)

Presentation and Question Sessions

55. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary dog training ground and dog swimming and recreational centre for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper, which were summarised below :
 - although the applied use was not entirely in line with the planning

intention of the “Residential (Group D)” (“R(D)”) zone, there was no known programme for permanent development on the site. The development was considered not incompatible with the surrounding land uses which were characterised by vacant land, vacant farms and ruins, open storage yards, fallow agricultural land and scattered residential dwellings. Since private initiative for permanent residential development within the “R(D)” zone was not likely to be realised in the near future, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention for the site;

- the site was the subject of a previous application (No. A/YL-PH/543) for the same use which was approved on 24.8.2007. There had been no change in the planning circumstances since the previous approval. Although the previous approval was revoked on 24.12.2009 as the applicant failed to comply with the approval condition on the provision of fire service installations (FSIs) for the use, the applicant had already complied with other planning conditions required by the relevant government departments. He also showed his willingness to fulfil the previous outstanding condition and attached in the current submission the quotations and contracts for engaging qualified fire service contractors to assess and install FSIs at the site. In this regard, the Director of Fire Services had no objection to the application subject to the provision of FSIs for the development;
- relevant government departments consulted had no adverse comments on the application. The technical issues raised by the concerned departments could be addressed by imposing relevant approval conditions as recommended in paragraphs 12.2 (b) to (e) of the Paper; and
- since the previous approval (Application No. A/YL-PH/543) was revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the application was approved. Moreover, the

applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application.

56. In response to a Member's concern on the possible impacts of the applied use on the nearby stream, Mr. Kepler S.Y. Yuen said that the applicant had complied with the approval conditions on the submission of drainage proposals and the provision of drainage facilities imposed under the previous approved application (No. A/YL-PH/543). In this regard, the Drainage Services Department had no objection to the current application provided that the drainage facilities implemented under Application No. A/YL-PH/543 were maintained by the applicant. Mr. Kepler S.Y. Yuen further said that the applicant had provided information on the proposed measures for environmental protection, sewage discharge and stormwater treatment. No adverse comments were received from concerned government departments.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the drainage facilities implemented on the site (under Application No. A/YL-PH/543) should be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 29.1.2011;

- (e) in relation to (d) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

58. The Committee also agreed to advise the applicant of the following :

- (a) prior planning permission should have been obtained before continuing the applied use at the site;
- (b) shorter compliance periods for the approval conditions were given in order to closely monitor the compliance of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;

- (e) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from his office. There were unauthorized structures (including converted containers) on the lots within the site. Besides, the government land (GL) within the site was also occupied without approval from his office. It appeared that the two large swimming pools straddling Old Schedule Agricultural Lot and GL had not been included as part of the development schedule. The applicant should clarify their respective dimensions. The site was accessible through an informal village track on GL and other part of Lot 128 not within the site boundary from Fan Kam Road. His office did not provide maintenance works to the track nor guarantee right-of-way. The occupier of the GL and registered owner of the lot concerned should apply to his office for Short Term Tenancy/Waiver (STT/STW) to regularise the above irregularities. Should no STT/STW application be received/approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;
- (f) to note the comments of the Commissioner for Transport that the site was not directly connected with Fan Kam Road. The land status of the access road between the site and Fan Kam Road should be checked with the lands authority. The management and maintenance responsibilities of the access road leading to the site from Fan Kam Road should also be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate measures should be provided to prevent surface runoff flowing from the site to nearby public roads/drains through the run-in/out. HyD should not be responsible for the maintenance of any access connecting the site and Fan Kam Road;
- (h) to note the comments of the Director of Environmental Protection (DEP) that all effluent discharged from the development was controlled under the

Water Pollution Control Ordinance (WPCO). The applicant should observe the requirements under the WPCO. The applicant should also adopt the environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by DEP to minimise any possible environmental nuisances;

- (i) to note the comments of the Director of Fire Services that in consideration of the proposed structures, fire extinguisher(s) should be provided as required by occupancy and should be clearly indicated on plans; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-HT/689 Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (Tyre Repair, Compacting and Unpacking) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91, 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots 3212 RP (Part), 3228 (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D. 129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/689)

59. The Committee noted that the applicant requested on 13.10.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to amend the site layout.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-HT/690 Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots 31 RP (Part) and 32 RP in D.D. 128, Lots 2433 (Part), 2436 (Part), 2437 (Part), 2438 S.A RP (Part), 2438 S.B (Part), 2447 (Part), 2958 (Part), 2959 (Part), 2960, 2961 S.A (Part), 2961 RP (Part), 2962 (Part), 2963 (Part), 2964, 2965, 2966, 2967, 2968 S.A, 2968 S.B, 2969, 2970, 2971, 2972, 2973, 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2983 RP (Part), 2984, 2985, 2986, 2987, 2988, 2989 RP, 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3080 (Part), 3081 (Part), 3082 S.A (Part), 3082 S.B, 3083, 3084, 3085, 3086 (Part), 3087 (Part) and 3088 S.B (Part) in D.D. 129 and Adjoining Government Land, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/690)

61. The Committee noted that the applicant requested on 13.10.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare legal documents for reconciliation with the registered land owners of Lots 2993 and 2995 in D.D. 129.

62. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/699 Temporary Vehicle Park for Private Cars, Light and Heavy Goods Vehicles, and Container Trailers and Tractors with Ancillary Vehicle Parts Assembly for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 60 (Part), 63 (Part), 65 (Part), 66, 67 (Part), 68, 69 (Part), 70, 71 and 72 RP (Part) in D.D. 128, Lots 3018 (Part), 3019 (Part), 3021 (Part), 3022, 3024 RP (Part) and 3025 RP (Part) in D.D. 129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/699)

Presentation and Question Sessions

63. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle park for private cars, light and heavy goods vehicles, and container trailers and tractors with ancillary vehicle parts assembly for a period of three years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the occupier of the government land and the registered owner of the lots concerned failed to accept his offer of Short Term Tenancy/Waiver (STT/STW) in 2004. Following the last planning permission, no application had been received from the owner/occupier to regularize the irregularities on-site. There was apparently no prospect of regularization and he was considering enforcement action. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 50m

away) and the access roads (Ping Ha Road and Fung Kong Tsuen Road), and environmental nuisance was expected. The Commissioner for Transport advised that a villager had lodged a complaint earlier this year that Fung Kong Tsuen Road, the vehicular access of the site, was not suitable for long vehicles to manoeuvre. While he considered that the road was still safe for long vehicles to pass through, it was narrow and might not provide a desirable walking environment for pedestrians;

- (d) during the statutory publication period, one public comment was received stating that, should the application be approved, a condition should be imposed requiring quality landscaping and well-designed perimeter fencing to mitigate the blight; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper, which were summarised below :
 - the applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone, which was predominantly occupied for open storage yards falling within Category 1 areas under the Town Planning Board (TPB) Guidelines No. 13E. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan;
 - the development was in line with the TPB Guidelines No. 13E in that there was no adverse comment from concerned government departments. The concerns of DEP and the commenter could be addressed by imposing approval conditions as recommended in paragraphs 13.2 (a), (b), (e) and (f) of the Paper. With regard to the DLO/YL's concern, the applicant would be reminded one last time to make the necessary application. The applicant would also be warned that should he and the registered owner of the concerned lots fail to

make application to DLO/YL or fail to accept DLO/YL's offer of STT/STW to regularize the said irregularities, favourable consideration would not be given to any renewal application unless under exceptional circumstances;

- the Committee had approved a number of previous applications (No. A/YL-HT/61, 140, 196, 292, 432, 593 and 651) for container trailer parking use on the site since 1999. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved a number of similar applications within the same “CDA” zone for various temporary open storage/port back-up uses. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions;
- the last previous application No. A/YL-HT/651 was approved by the Committee for a period of one year to monitor the situation of the site and its surroundings in view of the addition of ancillary workshop use, and to monitor the fulfilment of approval conditions in view of the revocation of Application No. A/YL-HT/593. As there had not been any environmental complaint in the past year, and the applicant had complied with all the approval conditions of the last previous application No. A/YL-HT/651, there was no longer a need to recommend shorter approval and compliance periods for monitoring purpose; and
- regarding the public comment, approval conditions on tree preservation and landscaping had been recommended. It was noted that the site had already been fenced.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the drainage facilities implemented on the site under Application No. A/YL-HT/651 should be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2011;
- (e) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2011;
- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2011;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice;

- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

66. The Committee also agreed to advise the applicant of the following :

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. He reserved the right to take enforcement/control action against the unauthorized occupation of government land and the unauthorized structures on-site. The applicant should apply for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the unauthorized occupation of government land and unauthorized structures on-site. Should the applicant fail to apply for a STT/STW or fail to accept DLO/YL's offer for a STT/STW to regularize the said irregularities, favourable consideration would not be given to any renewal application unless under exceptional circumstances;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface runoff flowing from the site onto nearby public roads and drains through the site access;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to him for consideration;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existed on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Containers used as offices or store were considered to be temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structure. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity would be determined under B(P)R 19(3) at the building plan submission stage. The provision of emergency vehicular access was applicable under B(P)R 41D; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/186 Temporary Drug Dependent Persons Treatment and Rehabilitation Centre (Social Welfare Facility) for a Period of 3 Years in “Recreation” zone,
First Floor, Lot 4620 in D.D. 104,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/186)

Presentation and Question Sessions

67. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the subject premises was involved in a previous application (No. A/YL-MP/127) for the same use and submitted by the same applicant. The application was approved with conditions by the Committee on 16.4.2004, and the planning permission lapsed on 16.4.2007;
- (b) the temporary drug dependent persons treatment and rehabilitation centre (social welfare facility) for a period of three years – the applied use was located on the first floor of an existing two-storey church building on the subject lot. There were nine rooms in the subject premises, consisting of four dormitories, one staff dormitory, two resting rooms and two offices. The total floor area was about 174m², which could accommodate a maximum of 20 persons. The ground floor was currently used as a

worship place, office and canteen;

- (c) the departmental comments were detailed in paragraph 10 of the Paper and were highlighted below :
 - the District Lands Officer/Yuen Long (DLO/YL) advised that a temporary waiver to permit the use of a drug dependent persons treatment and rehabilitation centre at the application premises was approved on 13.4.2005 for a term of three years commencing on the 1.2.2002 and thereafter quarterly;
 - the Director of Social Welfare (DSW) supported the application from both service and licensing perspectives. The applicant had been operating a gospel-based drug treatment and rehabilitation centre (DTRC), namely, Yuen Long Centre, on the application lot since March 2002. It was a non-subvented agency providing residential drug treatment and rehabilitation service to a maximum of 20 male drug dependent persons through structured programmes including religious activities and vocational training. The applicant was currently operating the DTRC with a Certificate of Exemption first issued on 17.1.2003 by his Department. The Agency was allowed a grace period of eight years to conduct the required upgrading works for compliance with statutory licensing requirements in obtaining a licence, which would expire on 16.1.2011; and
 - the Commissioner for Narcotics of Security Bureau advised that the applicant provided treatment and rehabilitation services mainly to young male psychotropic substances abusers and had a high occupancy/utilization rate and hence its application had the policy support of his bureau;
- (d) a total of 12 public comments were received during the statutory publication period. While one of the public comments was concerned about the traffic capacity of Castle Peak Road and the potential traffic impacts, especially on the emergency fire-fighting and ambulance services, all the other 11 comments objected to the application as follows :

- one comment, which was signed by nine individuals, raised objection to the application mainly on the grounds of adverse impacts on public security and hygiene of the district, as well as potential nuisance to the rural environment;
 - eight comments, which were in the form of standard letters, worried about public security; impact on the tranquil rural environment as well as environmental hygiene within the district;
 - one comment from a private individual strongly objected to the application but had not stated any specific reason; and
 - the comment from the Designing Hong Kong Limited objected to the application as the subject premises was zoned “Recreation” (“REC”), the use was not compatible with the planning intention, and there should have alternative sites for the use;
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper, which were summarised below :
- although the applied use was not in line with the planning intention of the “REC” zone, it was housed within an existing church and there was no known proposal for the phasing out of the church for any recreational development. The subject premises had previously been granted with a planning permission for the same use under Application No. A/YL-MP/127. The applicant had complied with the approval condition on the provision of fire service installations. However, the planning permission lapsed on 16.4.2007. The applicant basically sought planning permission for the same use at the same premises as the previously approved scheme;
 - given the temporary nature of the applied use and the fact that the premises was located within an existing church building, the use was not incompatible with the land uses of the surrounding areas, which

were occupied by a mix of residential dwellings, vacant land, ponds and plant nursery;

- the rehabilitation centre was run by a non-profit making organisation providing drug treatment and rehabilitation programmes to help male drug dependent persons in the area. The application was supported by DSW and the Commissioner for Narcotics from both service and licensing perspectives;
- relevant government departments consulted had no adverse comments on the application. As regards Fire Services Department's concern on the provision of fire service installations, it could be addressed by imposing appropriate approval conditions; and
- regarding the local objections mainly on the grounds of public security and adverse impacts on the tranquil rural environment, it should be noted that the rehabilitation centre was located within an existing church building and the Commissioner of Police had no adverse comment on the application. The rehabilitation centre was a social welfare facility serving the Yuen Long district at large and under the proper management of the applicant in accordance with the licensing requirements. For the public comment that the applied use was not in line with the planning intention of the “REC” zone, it was noted that the application premises was within an existing church and there was no known proposal for the phasing out of the church for any recreational development.

68. In response to a Member's enquiry, Mr. Anthony C.Y. Lee said that the rehabilitation centre provided residential service to male drug abusers. According to the applicant, the application premises could accommodate a maximum of 20 persons and there were still a lot of clients waiting for the services.

69. Another Member supported the application as it provided treatment and rehabilitation services mainly to young male psychotropic substances abusers. In reply to this Member's question on local objection, Mr. Anthony C.Y. Lee said that no complaint on the treatment and rehabilitation centre had been received since its operation in 2002.

Deliberation Session

70. Members in general supported the treatment and rehabilitation centre from a social welfare service provision perspective. A Member enquired whether a longer approval period could be granted to the centre. In response, the Chairman said that the Committee should consider the application as submitted by the applicant, which was for a temporary approval of three years. This Member further said that in view of the nature and the need of the drug dependent persons treatment and rehabilitation centre, the “REC” zoning for the subject site should be reviewed in due course. The Chairman suggested that the Planning Department be advised to take into account Members’ comments on the appropriate zoning of the application site when reviewing the “REC” zone on the relevant outline zoning plan in future. Members agreed.

71. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2011;
- (b) in relation to (a) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

72. The Committee also agreed to advise the applicant of the following :

- (a) to note the comments of the Director of Fire Services that the provision of emergency vehicular access should comply with Part VI of the Code of

Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department;

- (b) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if alteration and addition works were proposed, the appointed authorized person should submit plans to the Building Authority for approval prior to commencement of any alteration and addition building works; and
- (c) to note the comments of the Director of Environmental Protection that the effluent discharged from the applied use was subject to control under the Water Pollution Control Ordinance, and the applicant should apply to his Regional Office (North) for a discharge licence should there be any effluent discharged from the premises.

73. The Committee also agreed to advise the Planning Department to take into account Members' comments on the appropriate zoning of the application site when reviewing the "Recreation" zone on the relevant outline zoning plan in future.

[The Chairman thanked Mr. C.C. Lau, Ms. S.H. Lam, Mr. Kepler S.Y. Yuen and Mr. Anthony C.Y. Lee, STPs/TMYL, for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 22

Any Other Business

74. There being no other business, the meeting closed at 4:00 p.m..