

TOWN PLANNING BOARD

**Minutes of 431st Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 10.12.2010**

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

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

Professor Paul K.S. Lam

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 430th RNTPC Meeting held on 26.11.2010

[Open Meeting]

1. The draft minutes of the 430th RNTPC meeting held on 26.11.2010 were confirmed subject to paragraph 83 of the minutes be amended by replacing the second sentence to read “The Committee noted that the Secretary for Transport and Housing was the non-executive Director of the MTRC. Mr. T.K. Choi, who was the representative from Transport Department, had declared an interest in this item.”

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that in the last RNTPC meeting held on 26.11.2010, the Committee, in considering two planning applications (Nos. A/NE-SSH/77 and A/YL-KTN/349), noted the Director of Health (D of Health)’s advice on the compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for the proposed public utility installation (electricity package substation). While the applications were approved, the Committee decided that D of Health’s advice should be included as an approval condition to ensure compliance. Subsequently, D of Health was informed of the Committee’s decision. In response, D of Health had advised that the authority in regulating the commissioning and operation of electrical facilities rested with the Director of Electrical and Mechanical Services (DEMS). DEMS had, in turn, been consulted on the subject matter, and advised that in view of its insignificant impact, it was not necessary to incorporate an approval condition on the compliance with the ICNIRP guidelines. Instead, the applicant should self-certify the compliance with the ICNIRP guidelines and DEMS would be the responsible authority overseeing the subject matter. Based on DEMS’s advice, the requirement for the applicant to comply with the ICNIRP guidelines upon the commission of the proposed electricity package substation was stipulated as an advisory clause, instead of an approval condition. A post meeting note was included in the draft minutes for Members’ reference.

3. A Member asked how the Committee could ensure the compliance with the ICNIRP guidelines if it was stipulated as an advisory clause. In response, the Chairman said that after checking with relevant government departments, the radiation level generated by an electricity package substation was as low as a vacuum cleaner or a hair dryer. It had also been clarified that the compliance with the ICNIRP guidelines would be self-certified by the applicant and vetted / monitored by DEMS. In this regard, it would be not necessary for the Committee to stipulate the requirement.

4. To address the concern of Members, the Secretary said that the advisory clause would indicate clearly that the applicant should verify the actual compliance with the ICNIRP guidelines and submit the report to DEMS for consideration upon commissioning of the electricity package substation.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/9 Application for Amendment to the
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/16
from “Agriculture” to “Village Type Development”,
Lot 1730 S.A RP in D.D. 17, Lung Mei, Tai Po
(RNTPC Paper No. Y/NE-TK/9)

Presentation and Question Sessions

5. Ms. Lisa L.S. Cheng, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), of the Planning Department (PlanD), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Hui I Yeung] the applicant’s representative
Ms. Cheung Yat] the applicant’s representative

6. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Lisa L.S. Cheng, STP/STN, to brief Members on the background of the application. Ms. Lisa L.S. Cheng did so as detailed in the Paper and made the following main points:

- (a) the applicant proposed to rezone the site from “Agriculture” (“AGR”) to “Village Type Development” (“V”) zone on the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/16 to facilitate the development of a house with development parameters alike to a New Territories Exempted House (NTEH);
- (b) the planning history of the subject site;

[Mr. Rock C.N. Chen arrived to join the meeting at this point.]

- (c) the departmental comments were summarised as follows :
 - (i) the District Lands Officer/Tai Po (DLO/TP) commented that the subject lot was an old schedule agricultural lot outside the village ‘environs’ (‘VE’) and the proposed house/NTEH was in contravention of the lease condition. As a general practice, Lands Department (LandsD) did not consider allowing a house/NTEH to be built on an old schedule agricultural lot if the house/NTEH involved was not covered by the New Territories Small House Policy;
 - (ii) the Chief Town Planner/Urban Design and Landscape, PlanD had some reservation on the application. Although the proposed village house use was not incompatible with the adjacent village setting and the land lots adjacent to the site had already been paved, the extent of site formation had reached the edge of the existing woodland in the “Green Belt” zone. If the application was approved, the “V” zone boundary would be pushed further towards the woodland to the

west and no landscape condition could be imposed for the future development. Moreover, the proposed rezoning boundary was piecemeal and not adhering to the existing “V” boundary; and

- (iii) the Commissioner for Transport advised that, in general, such type of development should be confined within the “V” zone. He, however, considered that the application could be tolerated unless it was rejected on other grounds as the application only involved the construction of one house;

- (d) four public comments from a Tai Po District Councillor, Lung Mei Tsuen Rural Committee (RC), the Dragon View Villa Mutual Aid Committee and the Designing Hong Kong Ltd were received during the statutory publication period. The commenters objected to the application mainly on the grounds of adverse environmental impacts, no adequate consultation before submission of the application, the land rights of the local villagers being affected, and the lack of a sustainable layout plan for the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper which was summarised as follows :
 - (i) the application was for rezoning of a site from “AGR” to “V” for development of a proposed NTEH-sized house (not a Small House for indigenous villager). The site was outside the ‘VE’ of the Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk villages;

 - (ii) the planning intention of “V” zone was primarily for development of Small Houses by indigenous villagers. The proposed development, which was not a Small House, was considered not in line with the planning intention of “V” zone. The applicant provided no strong justifications in the submission to support the rezoning of the site and approval of the application would set an undesirable precedent for other similar applications in the subject “AGR” zone; and

- (iii) as the applicant was not an indigenous villager, the proposed house could not be considered for approval by the LandsD under the current land policy even if the rezoning application was approved by the TPB.

7. The Chairman then invited the applicant's representative to elaborate on the application. Mr. Hui I Yeung made the following main points :

- (a) the applicant had contacted the RC recently to explain the development proposal. The RC representatives then indicated that they had no objection to the application and would prepare document to support the proposed development. The applicant would submit the relevant document to the TPB for consideration when it was available;
- (b) the applicant understood that even if the TPB approved the rezoning of the subject site from "AGR" to "V" zone, the application for the building of a Small House/NTEH would still need to be submitted by an indigenous villager; and
- (c) there was a shortage of land for indigenous villagers to build Small House in the villages where the application site was located.

8. In response to the Chairman's enquiry, Ms. Lisa L.S. Cheng advised that there was a general shortage of land for Small House/NTEH development in the nearby Lung Mei, Wong Chuk Tsuen and Tai Mei Tuk villages.

9. In response to the Chairman's question, Mr. Hui I Yeung replied that he was not an indigenous villager.

10. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The

Chairman thanked the applicant's representatives and PlanD's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

11. A Member considered that the application could not be supported as there were no strong justifications in the submission to extend the "V" zone to cover the application site.

12. Mr. Simon K.M. Yu remarked that LandsD, as a landlord for the Government, would consider whether the Small House application under the Small House Policy if the current application was approved by the Committee and there was no need for Members to take into account the Small House Policy.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

13. The Secretary said that since the application was for rezoning of a site from "AGR" to "V" zone, and the planning intention of "V" zone was to designate land for development of Small Houses by indigenous villagers, Members would need to know if the applicant was an indigenous villager and entitled to make Small House application. This was an established practice of the Committee in handling similar kind of applications.

14. Another Member said that it would be more proper for PlanD to conduct a review on the "V" zone boundary if there was a shortfall of land for NTEH/Small House development. Approval of the subject application in a piecemeal manner was not appropriate.

15. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the planning intention of the "Village Type Development" ("V") zone was primarily for development of Small Houses by indigenous villagers. The applicant failed to provide strong planning justifications in the submission to support the rezoning of the site from "Agriculture" to "V" to facilitate

house development; and

- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/39 Eating Place in “Open Space” zone,
G/F, Blocks 2A and 2B, Tung Chung Lots 2257 (Part) and
2258 (Part) in D.D. 3, Wong Nai Uk, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/39)

Presentation and Question Sessions

16. With the aid of a PowerPoint presentation, Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the eating place;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments from the same private individual were received

during the statutory publication period. The commenter supported the application as it could create jobs and increase job opportunities in Hong Kong. The commenter also requested to commence the Feasibility Study for Remaining Development in Tung Chung promptly; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 10 of the Paper. The proposed eating place fell within an area zoned “Open Space” on the OZP reserved for development of the Tung Chung town park. The Director of Leisure and Cultural Services advised that there was not yet any programme to implement the town park project and raised no objection to the application on a temporary basis. Besides, the land use of Wong Nai Uk Village was subject to the Feasibility Study for Remaining Development in Tung Chung (the Feasibility Study) which was tentatively scheduled for commencement in 2011/2012. However, the Civil Engineering and Development Department advised that approval of the application on a temporary basis for three years was acceptable as it would not affect the undertaking of the Feasibility Study. In view that the proposed eating place was small in scale and occupied the ground floor of an existing village house, it was considered not incompatible with the surrounding existing residential developments and there were unlikely any adverse traffic, environmental and infrastructural impacts on the locality. Relevant government departments consulted had no comment on or objection to the application. The previous application (No. A/I-TCTC/38) for the subject eating place approved by the Committee on 12.2.2010 was revoked on 12.8.2010. Subsequently, the applicant submitted the relevant fire service requirements to the Director of Fire Services and obtained his approval. Nevertheless, to ensure that the required provisions would be maintained throughout the approval period, an approval condition was proposed in this regard. The public comments in support of the application were noted.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing sewer connection and fire services installations implemented should be maintained at all times during the planning approval period; and
- (b) if the above condition 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.

19. 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 planning approval up to 10.12.2013 was granted so as to monitor the development and to ensure that the development would not conflict with the planning intention for the “Open Space” zone;
- (c) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing Unit, Buildings Department that all building works in connection with the proposed eating place should comply with the Buildings Ordinance; and
- (d) to note the comments of the Commissioner for Transport that the proposed eating place should not cause disturbance to other road users.

[The Chairman thanked Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members' enquires. Mrs. Lam left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/422 Temporary Private Car Park for a Period of 3 Years
in “Village Type Development” zone,
Lots 994 and 995 in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/422)

Presentation and Question Sessions

20. Ms. Lisa L.S. Cheng, STP/STN, reported that replacement page 10 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private car park 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 (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary private car park could be tolerated for a period of three years

based on the assessment made in paragraph 11 of the Paper. The application site fell within the “Village Type Development” (“V”) zone. The District Lands Officer/Tai Po confirmed that there was no Small House application at the application site and there was no general shortage of land in meeting the demand for Small House development in the subject “V” zone. The applicant also indicated that he would consent to the use of the site for Small House development should there be such a demand in the future. The temporary car parking use of the site would not frustrate the planning intention of the “V” zone and was considered not incompatible with the surrounding land uses and the village setting. The Committee had approved a similar application No. A/NE-KLH/411 for a temporary private car park to the immediate south of the site. The approval of the subject application was in line with the Committee’s previous decisions in the area. The temporary car park use was unlikely to have significant adverse environmental, traffic, drainage, landscape or water quality impacts on the surrounding areas and hence there was no adverse departmental comment and local objection to the application. Nevertheless, as the application was the subject of a previous application (No. A/NE-KLH/382) approved for the same development by the Committee on 10.7.2009 for a period of three years but was revoked on 10.4.2010 due to non-compliance with the approval condition on submission of landscape proposals, shorter compliance periods were recommended should the Committee decide to approve the application so as to allow close monitoring of the progress of compliance of approval conditions.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light goods vehicles (not exceeding

5.5 tonnes as defined in the Road Traffic Ordinance) were allowed to be parked within the application site during the planning approval period;

- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;
- (c) the submission of proposals of preventive measures against water pollution within the water gathering grounds within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.3.2011;
- (d) in relation to (c) above, the implementation of proposals of preventive measures against water pollution within the water gathering grounds within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 10.6.2011;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;
- (f) in relation to (e) above, the implementation of drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (g) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.3.2011;
- (h) in relation to (g) above, the implementation of landscape proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (i) if any of the above planning conditions (a) or (b) was not complied with at

any time during the 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 (c), (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 be revoked on the same date 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.

23. 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 site;
- (b) 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 future application;
- (c) shorter compliance periods for compliance with the approval conditions were granted to allow close monitoring of the progress of compliance;
- (d) the applicant should resolve any land issues relating to the development with other concerned owner of the application site;
- (e) the applicant should strictly observe the conditions proposed by the Chief Engineer/Development (2), Water Supplies Department in Appendix V of the Paper;
- (f) to note the comments of the District Lands Officer/Tai Po that the applicant

should obtain the right-of-way for the passage of vehicles by his own means and seek the consent from the relevant parties for the proposed drainage connection to the existing channel lying on private lots;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no existing maintained public stormwater drain available for connection in the area. The temporary private car park should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. 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 also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (h) to note the comments of CE/MN, DSD that the site was in an area where no public sewerage connection was available. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;
- (i) to note the comments of CE/MN, DSD regarding the drainage proposal submitted by the applicant in paragraph 9.1.3(d) of the Paper;
- (j) to note the comments of the Chief Engineer/Consultant Management, DSD that the applicant should continue to pay attention to the latest development of the proposed sewerage scheme in the area. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (k) 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;
- (l) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that planting in movable containers/pots

would not be accepted. All plantings should be in the ground or fixed planters with an open-bottom; and

- (m) to note the comments of the Commissioner for Transport that the applicant should check with the land authority on the land status of the village track and clarify with the relevant lands and maintenance authorities accordingly on the management and maintenance responsibilities of the village access.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/423 Renewal of Planning Approval for Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking under Application No. A/NE-KLH/393 for a Period of 3 Years in “Open Storage” and “Green Belt” zones, Lots 617 S.B RP, 618 S.B ss.1, 622 S.B RP and 626 RP in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/423)

Presentation and Question Sessions

24. Ms. Lisa L.S. Cheng, STP/STN, reported that replacement pages 12 to 14 of the Paper were tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open vehicle park with ancillary on-site vehicle checking under Application No. A/NE-KLH/393 for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

had reservation on the application because the use of the site for a vehicle park involved traffic of heavy vehicles and there was a sensitive use in the vicinity. He, however, advised that there was no environmental complaint received between January 2007 to September 2010 regarding the application site;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The application site fell within an area mostly zoned “Open Storage” (about 70%) with a minor portion zoned “Green Belt” on the Kau Lung Hang OZP. The subject temporary open vehicle park was considered not incompatible with the surrounding land uses comprising open storage uses, warehouses and container vehicle parks and on-going drainage improvement works. Approval of the temporary use would not frustrate the long-term planning intention of the area. The temporary open vehicle park use under application had been granted approvals under eight previous applications (No. A/DPA/NE-KLH/14, A/NE-KLH/233, 305, 318, 325, 364, 377 and 393) since 1993. Compared with the last application (No. A/NE-KLH/393), the applied use under the current application was basically the same and there was no material change in the planning circumstances for the area since the last previous planning approval and all planning conditions under the last previous approval No. A/NE-KLH/393 had been complied with. The approval of the subject application was in line with the Committee's previous decisions. DEP's concerns regarding the presence of a sensitive use in the vicinity could be addressed through the imposition of an approval condition restricting the operation hours of the temporary vehicle park. According to the TPB Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’, the

approval period for renewal should not be longer than the original validity period of the temporary approval under normal circumstances. In the original application (No. A/NE-KLH/364), an approval period of one year was granted and since then, the application had been renewed twice for one year each time in view that the site would be affected by the road widening works but the road works still had not commenced. In the current application, the applicant applied for an approval period of three years and undertook to surrender the subject portion of the site when it was needed for the road widening works. In this regard, the Chief Engineer 1/Major Works, Major Works Project Management Office, Highways Department had no comment on the approval of the application subject to the inclusion of an approval condition requiring the applicant to set back the eastern boundary of the application site when required. In view of the special circumstances of the application, an approval period of three years was recommended. Other concerned government departments had no comment on or objection to the application.

25. In response to the Chairman's enquiry, Ms. Lisa L.S. Cheng, by referring to Plan A-2a of the Paper, said that the domestic structure was located to the immediate south of the site.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 1.1.2011 until 31.12.2013, 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 existing vehicular access, drainage facilities, all existing trees, landscape plantings, proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site and

peripheral fencing should be maintained at all times during the planning approval period;

- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period;
- (d) the setting back of the eastern boundary of the application site when required to avoid encroachment upon the works limit of the project PWP Item No. 6720TH, "Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling-Stage 2" to the satisfaction of the Director of Highways or of the TPB;
- (e) the implementation of the replacement tree planting within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 30.6.2011;
- (f) the submission of a drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.6.2011;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 30.9.2011;
- (h) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.6.2011;
- (i) in relation to (h) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of commencement

of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.9.2011;

- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if the above planning conditions (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 be revoked on the same date without further notice; and
- (l) 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.

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

- (a) the applicant should resolve any land issues relating to the development with the other concerned owner(s) of the application site;
- (b) the applicant should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (c) the applicant should note the scheme and amendment scheme details of the project, “Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling” gazetted on 3.7.2009 and 28.5.2010 respectively;
- (d) to note the comments of the District Lands Officer/Tai Po that the applicant should apply to his office for a Short Term Waiver for the applied use should the applicant decide to use the rest of the application site not affected by the road widening works and remove structures at the eastern

part of the site which had slightly encroached onto the government land unless covered by a Short Term Tenancy;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the conditions in respect of the 120m no blasting limit and the 30m WSD reserve of Tau Pass Culvert as detailed in Appendix VI of the Paper should be observed;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was existing maintained public drains in the vicinity of the application site. 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 also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (g) to note the comments of the Chief Engineer/Consultants Management, DSD that the development should not obstruct or cause any impediment to the construction of the proposed trunk sewer and the proposed village sewerage works at Nam Wa Po under the project of North District Sewerage Stage 2 Phase 1 as shown on Plan A-2a of the Paper;
- (h) to note the comments of the Director of Fire Services on the preparation of fire service installations proposal as detailed in paragraph 10.1.10 of the Paper;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited (HKCG) in respect of the exact location of the existing or planned gas pipes routes/gas installations in the vicinity of the application site, consult HKCG on the minimum set back distance away from the gas pipelines during the design and construction stages of development in case there was a need for site reformation or other works to be carried out in the vicinity of the application site, and note the

requirements of the Electrical and Mechanical Services Department's 'Code of Practice on Avoiding Danger from Gas Pipes' which was available at the following link [http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes\(english\).pdf](http://www.emsd.gov.hk/emsd/e_download/pps/gas/cop_gas_pipes(english).pdf); 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 must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-LT/407 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 140 S.A in D.D. 19, Tong Min Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/407)

28. The Committee noted that the applicant's representative requested on 6.12.2010 for a deferment of the consideration of the application for one month in order to allow time for preparation of further information and obtaining owner's consent on proposed sewerage connection for the proposed house in support of the application.

29. 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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/332 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 1393 RP and 1394 RP in D.D. 17 and
Adjoining Government Land, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/332)

Presentation and Question Sessions

30. 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 proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po did not support the application as the site fell outside the village ‘environs’ (‘VE’) of Lo Tsz Tin and more than 50% outside the “Village Type Development” (‘V’) zone;
- (d) two public comments objecting to the application were received during the statutory publication period. While the Designing Hong Kong Ltd objected to the application for reasons that the site was largely zoned “Green Belt” (‘GB’) and approval of the application would promote the

“destroy first, develop later” attitude among the landowners, the World Wide Fund for Nature Hong Kong commented that the proposed development was not in line with the planning intention for the “GB” zoning and approval of the application would set an undesirable precedent for other similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within the zone. Although there was a general shortage of land in meeting the future Small House demand in Lo Tsz Tin Village, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ as more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of any recognised villages. Approval of the application would set an undesirable precedent for other similar applications in the area. Besides, there were public comments against the application objecting to the proposed development which was not in line with the planning intention of “GB” zone and the undesirable precedent effect for similar applications in the future.

31. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the “Village Type Development” zone

and the village ‘environs’ of any recognised villages; and

- (b) the approval of the application would set an undesirable precedent for other similar applications in the “Green Belt” zone.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/430 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Recreation” and “Agriculture” zones,
Lot 2870 S.A in D.D. 51, Tong Hang, Fanling
(RNTPC Paper No. A/NE-LYT/430)

Presentation and Question Sessions

33. 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 utility installation for private project (electricity package substation);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the application site partly fell within “Agriculture” (“AGR”) zone on the OZP and had potential for agricultural rehabilitation;
- (d) one public comment from a North District Councillor was received during the statutory publication period indicating support to the application as it served the needs of the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed electricity package substation was required by the CLP Power Hong Kong Ltd (CLP) for the provision of electricity supply to the proposed New Territories Exempted Houses in the vicinity of the application site. It was small in scale and was considered not incompatible with the rural character of the surrounding areas. The proposed development was unlikely to cause adverse environmental, landscape, drainage and traffic impacts on the surrounding areas, and hence concerned government departments generally had no adverse comment on or objection to the application. Although DAFC did not favour the application, only about 9.3% of the application site, currently occupied by footpath and some wild grass, fell within an area zoned “AGR” and the site was previously approved for the same use by the Committee in 2007. The current application was similar to the previously approved application (No. A/NE-LYT/371) submitted by the same applicant. As compared with the previous application, the current application only involved an increase in the height from about 2.2m to 3m (+0.8m or +36.4%) and total floor area from about 11.52m² to 12m² (+0.48 m² or +4.17%) in order to tally with the standard requirement on electricity package substation by CLP. There had been no material change in the planning circumstances for the application site and surrounding areas and the approval of the subject application was in line with the Committee's previous decision. As the applicant had indicated that the portion of the existing footpath within the application site would be available for public use and access and free from obstruction, an approval condition on prohibiting the encroachment of the proposed development on the existing footpath was recommended. There was no local objection and public comment against the application.

34. A Member said that according to the discussion under Matters Arising of this meeting on two similar applications, advisory clause (e) in paragraph 11.2 of the Paper relating to the compliance with the ICNIRP guidelines should be amended. The Secretary said that the relevant advisory clause would be suitably amended to remind the applicant that

the verification of the compliance with the ICNIRP guidelines should be carried out by the applicant and vetted by the Director of Electrical and Mechanical Services. Members agreed.

Deliberation Session

35. 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 10.12.2014, 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 design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the proposed development should not encroach on the existing footpath to the immediate south-east of the application site.

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

- (a) to note the comments of the District Lands Officer/North that the applicant should apply to his office for a Short Term Waiver (STW) for the proposed electricity package substation. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows:
 - (i) any unauthorized building works existed on the site should be removed;
 - (ii) an emergency vehicular access (EVA) should be provided;
 - (iii) if the site did not abut a specified street not less than 4.5m wide, the development intensity would be determined by the Building Authority under Building (Planning) Regulation 19(3); and
 - (iv) formal submission of any proposed new building works for approval and consent under the Buildings Ordinance was required;

- (c) to note of the comments of the Director of Fire Services as follows:
 - (i) EVA should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) all spoils arising from site formation works and building works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance;

- (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil and tar or any other toxic substances were prohibited;
 - (iv) the application site was within the flood pumping gathering ground;
 - (v) for provision of water supply to the development, the applicant was required 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (vi) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged 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;
- (f) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services; and
- (g) 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 10

Section 16 Application

[Open Meeting]

A/NE-LYT/431 Proposed Temporary Warehouse for Storage of Goods
for Pharmacy Store for a Period of 3 Years
in “Agriculture” and “Village Type Development” zones,
Lot 1509 in D.D. 83, Wing Ling Wai, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/431)

37. The Committee noted that the applicant’s representative requested on 3.12.2010 for a deferment of the consideration of the application for two months in order to address the concerns of government departments and provide further information.

38. 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/722 Shop and Services (Real Estate Agency)
 in “Industrial” zone,
 Portion of Unit C4, G/F, Block 1, Kin Ho Industrial Building,
 Nos. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/722)

Presentation and Question Sessions

39. 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 shop and services (real estate agency);
- (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 on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning

assessment criteria set out in the TPB Guidelines No. 25D. The real estate agency was considered not incompatible with the industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregated commercial floor area on the ground floor. As the applied GFA of about 18.13m² would not exceed the maximum permissible limit of 460m², the Director of Fire Services had no objection to the application subject to approval conditions on fire safety measures and provision of a means of escape completely separated from the industrial portion. The real estate agency under application generally complied with the TPB Guidelines No. 25D and the provision of such use at the subject industrial building could serve the needs of the people in the vicinity. Relevant government departments consulted had no objection to or adverse comments on the application. There was no public comment received against the application. Nevertheless, 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.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (b) the implementation of the fire safety measures within 9 months from the

date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011; 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.

42. 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) the applicant was required to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and 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 was available for the area under application; and

- (f) 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/723 Shop and Services (Fast Food Counter)
 in “Industrial” zone,
 Unit H4, G/F, Century Centre,
 Nos. 33-35 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/723)

Presentation and Question Sessions

43. 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 shop and services (fast food counter);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from the Incorporated Owners of Unison Industrial Centre was received during the statutory publication period. The commenter supported the application and indicated that if the industrial premises were not converted into other proper uses, they would be left vacant; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D. The fast food counter under application was considered not incompatible with the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregated commercial floor area on the ground floor. Based on the TPB Guidelines No. 25D, the limit on aggregate commercial floor space limits on fire safety concerns did not apply to fast food counter and the Director of Fire Services had no objection to the application subject to approval conditions on fire safety measures and the fast food counter being licensed as “food factory”. The Commissioner for Transport also had no objection to the application provided that there would be adequate space inside the shop for queuing of customers. Besides, the provision of such use at the subject industrial building could serve the needs of the people in the vicinity and relevant government departments consulted had no objection to or adverse comments on the application. There was a public comment which agreed to the application was received. Nevertheless, 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.

44. Members had no question on the application.

Deliberation Session

45. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011; 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.

46. 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) the applicant was required to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use

should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;

- (e) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of its customers and the queue should not be obstructing pedestrian flows on public footpath outside the shop;
- (f) 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 the fast food counter should be licensed as “food factory”; and
- (g) 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/724 Shop and Services (Showroom and Retail Shop)
in “Industrial” zone,
Units A1-A3, G/F, On Wah Industrial Building,
41-43 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/724)

Presentation and Question Sessions

47. 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 shop and services (showroom and 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 on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D. The showroom and retail shop under application was considered not incompatible with the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregated commercial floor area on the ground floor. As the applied GFA of about 36.7m² would not exceed the maximum permissible limit of 460m², the Director of Fire Services had no objection to the application subject to approval conditions on fire safety measures and provision of a means of escape completely

separated from the industrial portion. Besides, the provision of such use at the subject industrial building could serve the needs of the people in the vicinity. Relevant government departments consulted had no objection to or adverse comments on the application. There was no public comment received against the application. Nevertheless, 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.

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 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.6.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011; 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.

50. 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) the applicant was required to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and 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 was available for the area under application; and
- (f) 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.

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

Tuen Mun and Yuen Long District

Agenda Item 14

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/YL-NSW/12-2 Application for Further Extension of Time for Commencement of the Proposed Golf Course and Residential Development under Application No. A/DPA/YL-NSW/12 for 3 Years until 18.12.2013 in "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area 1" and "Site of Special Scientific Interest(1)" zones and an area shown as "Kam Tin River", Lots 1520 RP, 1534 and 1604 in D.D. 123 and adjoining Government Land, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/DPA/YL-NSW/12-2)

51. The following representatives of government departments were invited to the meeting at this point :

Ms. Amy Y.M. Cheung	] District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)
Mr. Anthony C.Y. Lee	] Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL)
Ms. Kennie M.F. Liu	] Town Planners/Tuen Mun and Yuen Long (TPs/TMYL)
Mr. William W.L. Chan	] Deputy Law Officer (Civil Law), Department of Justice (DoJ)
Ms. Jenny Fung	] Senior Government Counsel, DoJ
Mr. Patrick Lai	] Senior Nature Conservation Officer (North), Agriculture, Fisheries and Conservation Department (AFCD)
Mr. K.S. Cheung	] Wetland and Fauna Conservation Officer (Wise Use), AFCD

52. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Ltd (Henderson) and Kleener Investment Ltd. Dr. C.P. Lau, having current business dealings with Henderson, had declared an interest in this item. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

53. The Secretary also reported that the TPB Secretariat had received two petition letters against the application before the meeting. In the letter jointly submitted by a Yuen Long District Council (YLDC) Member (Mr. Kwong Chun Yu) and the students of a kindergarten in Tai Hang Tung, some drawings featuring the vision of the kindergarten students towards the protection of Nam Sang Wai from development and over 1,600 signatures of citizens were included. They demanded that the application should be rejected and Nam Sang Wai should be conserved/protected from urban sprawl and that the principle of 'no net loss' should be upheld in developing the wetland area of Hong Kong. The other letter which was submitted by the Yuen Long Division of the Democratic Alliance for the Betterment and Progress of Hong Kong requested that Nam Sang Wai should be conserved in view of its high ecological value and the rising public aspiration towards environmental protection in recent years. The two letters were tabled at the meeting for Members' information.

Presentation and Question Sessions

54. Ms. Amy Y.M. Cheung, DPO/TMYL, reported that replacement page 10 of the Paper was tabled at the meeting for Members' reference. With the aid of a PowerPoint presentation, she then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the application for further extension of time (EOT) for commencement of the proposed golf course and residential development under Application No. A/DPA/YL-NSW/12 for three years until 18.12.2013;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the latest applicant's submission on

20.9.2010 included a substantially revised master layout plan (MLP) compared to the approved scheme. The MLP was revised in response to the changes of ecological conditions since 1996, which had taken place some ten years ago. The applicant should have ample time to review and update the information related to ecology and hence make their submission well before the deadline. If the EOT application was approved, the applicant should be advised to start dialogue with the environmental-non-government organizations (Env-NGOs) well before the deadline in order to address their concerns. The District Lands Officer/Yuen Long (DLO/YL) advised that he had not received any application for lease modification or land exchange from the lots owners. He was not aware of any land administration procedures that would cause delays in commencement of the proposed development. The Director of Environmental Protection commented that one of the most important environmental issues associated with the proposed development was on ecological impacts and trusted that DAFC would advise on the adequacy of the proposed ecological mitigation measures;

- (d) while no local comment was received by the District Officer (Yuen Long) on the EOT application, over 200 comments had been received by the Development Bureau/TPB Secretariat/PlanD, all objecting the application. The views/comments received were summarized as follows :
 - (i) the majority of the objecting comments were in standard emails, emphasizing the 'no-net-loss' principle to maintain the integrity of the wetland and the Ramsar site and development plans should not be allowed to result in a loss of wetland and fish ponds in either 'size' or 'function';
 - (ii) the Conservancy Association, the World Wide Fund for Nature Hong Kong and a member of the Hong Kong Bird Watching Society raised objection to the proposed development mainly from the ecological conservation point of view;
 - (iii) eight private individuals also objected to the proposed development

- from the ecological conservation point of view;
- (iv) two YLDC Members organized a sign-up action for Facebook to connect with 《萬人聯署・決不讓南生圍淪陷》;
 - (v) the letter from another YLDC Member enclosing 3,934 signatures also indicated strong objection to the proposed development; and
 - (vi) the Town Planning and Development Committee of YLDC passed a motion against the proposed development at Nam Sang Wai on 17.11.2010;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 9 of the Paper, which were summarized as follows :
- (i) according to the Schedule of Class A and Class B Amendments (gazetted on 15.4.2005) attached to TPB Guidelines No. 36A, it was stipulated under Category 19 that “the period of extension, or the aggregate of all the periods of extension, not exceeding the original duration for commencement of development of the approved development proposal” was a Class B amendment. TPB Guidelines No. 35B stated that “any extension of time for commencement of development shall not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal”. It was noted that the Practice Note for Professional Persons No. 5/2005 stated that if the original permission was granted prior to the commencement of the Amendment Ordinance, the original duration for commencement of development should be taken as the duration allowed in the last approval given by the TPB or the Director of Planning (D of Plan) under the delegated authority of the TPB. The planning permission of the EOT application was firstly granted with a five-year validity period until 18.12.2001. Subsequently, the validity of the planning permission had been extended three times,

up till 18.12.2010. An aggregate extension period of nine years had already been granted which had already exceeded the original duration for the commencement of the approved development proposal. Also, a validity period of 14 years was exceptionally long in the development context of Hong Kong. It was necessary to establish a strong case to warrant special consideration by the TPB in granting further EOT;

- (ii) TPB Guidelines No. 35B further stated that, in considering whether to grant an EOT for commencement of development under s.16A of the Town Planning Ordinance (TPO), the applicant should demonstrate that reasonable actions had been taken for the compliance with approval conditions, the commencement of development was delayed due to reasons beyond his control, that there was good prospect to commence the proposed development within the extended time limit and there should not be material change in planning circumstances since the original permission was granted;

Actions taken by the applicant

- (iii) while the applicant argued that a much longer time than earlier expected was required to comply with the planning conditions in light of the complicated requirements and ‘philosophical’ requests from concerned government departments, the requirements for Environmental Assessment (EA), Ecological Impact Assessment (EcoIA) and conservation plan were standard approval conditions for developments within ecologically sensitive areas such as the Deep Bay Area. It was difficult to see why the applicant could not complete the task in 14 years. It was noted that the applicant had made efforts to comply with the approval conditions in the earlier years. The applicant only managed to comply with three of the more peripheral conditions and partially complied with another three, while the more crucial ones, such as submission of MLP, Landscape Master Plan, EA (including EcoIA), conservation plan etc., had not

been fulfilled. Since the last EOT granted on 2.10.2007, no submission had been made by the applicant until 20.9.2010, almost towards the end of the last extended period of the permission. Even so, relevant government departments, including DAFC, still found the submission unsatisfactory, and none of the outstanding approval conditions was considered fulfilled under this round of submission;

- (iv) the applicant's argument for the further extension under the current s.16A application was to allow time for concerned departments to provide meaningful comments and for the applicant to respond to the ecological concerns of Env-NGOs. The applicant failed to demonstrate why the concerns of concerned departments and Env-NGOs could not be addressed in advance of the expiry of the permission since such concerns were not new. The action taken by the applicant, especially since 2.10.2007, for the implementation of the approved development did not seem to be conducive to the fulfillment of approval conditions. Moreover, DLO/YL stated clearly that he was not aware of any land administration procedures that would cause delays in commencement of the subject development. Despite the fact that the applicant had submitted the EcoIA several times, DAFC's comments had not been addressed in the revisions. Furthermore, DAFC noted that the latest MLP was revised in response to the changes of ecological conditions since 1996 as presented in an EcoIA which was compiled based on a recent survey conducted from May 2009 to April 2010. The changes comprised the establishment of great cormorant roosts in the project site in mid-1990s and the formation of Tung Shing Lei egretty in early 2000s. The above ecological changes had taken place some ten years ago. The applicant should have had ample time to review and update the information related to ecology before the deadline;

[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

Prospect for commencing the proposed development

- (v) in the submission of 20.9.2010, the applicant tried to comply with a number of outstanding conditions in one go. It was found that the proposed solution to address ecological concerns was to modify the scheme by relocating the proposed golf course and reducing its size from 43.1ha to 10ha (from 18-hole to 9-hole) so that more fish ponds could be preserved, modifying the disposition of water bodies for golf course irrigation and reducing their total area from 13ha to 2.871ha, adding a wetland reserve, and completely re-arranging the layout and disposition of the houses and apartment blocks as a result of the provision of the additional wetland reserve and avoidance of the flight paths of birds. Such changes deviated from the approved scheme to such an extent that they could not be considered in the context of the subject application and a fresh planning application was thus required. On the other hand, maintaining an 18-hole golf course and the original building block disposition might not satisfy the ecological and other requirements. The contradiction was so fundamental that the chances for the compliance with the relevant conditions even if further EOT was granted were slim; and

Rising public aspirations

- (vi) since the Order of the Privy Council in 1996, there had been considerable changes in public sentiment towards environmental protection, including conservation of wetlands and bird habitats, and such public aspirations had been heightened in the past few years. This constituted a major change in the planning circumstances since the original permission was granted and called for consideration of the proposed development afresh.

[Mr. Timothy K.W. Ma returned to join the meeting at this point.]

55. A Member noted that the applicant had made effort to submit technical assessment reports during the validity period between 1996 and 2007 but after the third EOT approval granted in 2007, no submission had been made until September 2010. The

Member asked whether the applicant was advised in the last EOT approval that a further extension of the validity of the permission would be outside the scope of Class B amendments. In response, Ms. Amy Y.M. Cheung confirmed that the applicant had made submissions to fulfill the approval conditions between 2000 and 2007 but after the third EOT in 2007, only one submission had been made by the applicant to fulfill the approval conditions. That submission was made on 20.9.2010 which included a revised MLP and a set of technical assessments. The Chairman added that though no submission had been made by the applicant after end 2007 until 20.9.2010, it did not necessarily imply that the applicant had not made any effort between 2007 and 2010.

56. The same Member asked whether the Wo Shang Wai and Fung Lok Wai cases, which PlanD had made reference to in the presentation, were comparable to the Nam Sang Wai case in terms of the scale of development and the ecological and conservation requirements. Ms. Amy Y.M. Cheung replied that the Fung Lok Wai project, which had yet to submit its planning application to the TPB, involved a total site area of 80.1ha, with about 4ha (5%) of land for residential development and about 76ha for wetland nature reserve, and a domestic GFA of about 148,000m² at a plot ratio of 0.185 (about 2,860 flats). The Fung Lok Wai project was located close to the Nam Sang Wai application site to its northwest. With respect to the Wo Shang Wai project, for which planning permission was granted on 19.9.2008, it involved a smaller site area of about 21ha, with about 4.74ha (23%) for wetland, and a domestic GFA of about 83,203.6m² at a plot ratio of 0.4 (about 362 residential units). Ms. Cheung noted that while the scale of development of the Wo Shang Wai project was smaller than that of the Nam Sang Wai project, both the Wo Shang Wai and Fung Lok Wai projects obtained approval for their respective EIA reports within a relatively shorter timespan. It was therefore difficult to see why the applicant of the subject application could not fulfill the relevant approval conditions within 14 years from its original approval.

57. A Member asked whether the revised MLP submitted by the applicant on 20.9.2010, which involved a significant reduction in the size of the golf course and an increase in size of the wetland reserve, was a mitigation measure from ecological conservation point of view. Mr. Patrick Lai said that the reduction in the size of the proposed golf course from 18-hole to 9-hole could reduce to a certain extent the adverse impact on the wetland ecosystem.

58. A Member asked what the Government policy on the preservation of wetland was. Mr. Patrick Lai said that it was the intention of the Government to preserve the wetland in the Deep Bay Area, as reflected in the TPB Guidelines No. 12B for “Application for Developments within Deep Bay Area under Section 16 of the TPO” promulgated in April 1999. The application site fell within the Wetland Conservation Area (WCA). A “precautionary approach” had been adopted by the TPB to protect and conserve the existing ecological function of fish ponds in order to maintain the ecological integrity of the Deep Bay wetland ecosystem as a whole. In considering development proposals in the Deep Bay Area, the TPB would adopt the principle of “no-net-loss in wetland” which provided for the conservation of continuous and adjoining fish ponds.

59. In reply to a Member’s question, Ms. Amy Y.M. Cheung said that a total of six MLP submissions had been made by the applicant in the three extension periods. The first and second MLP submissions made in 2000 and 2001 were similar. Both MLPs, though with the 18-hole golf course included, were considered substantially different from the approved scheme and not acceptable by PlanD and relevant government departments. Three MLPs were submitted by the applicant in 2002 and 2004 respectively. These MLPs were similar to the original approved scheme but they were not accepted by concerned departments for other reasons. The latest MLP was submitted on 20.9.2010. In the modified scheme, the size of the golf course had been substantially reduced and the layout of the internal road network and the disposition of residential blocks deviated substantially from and constituted major changes to the approved scheme. The applicant was informed on 1.12.2010 by the District Planning Officer/Tuen Mun and Yuen Long that the modified MLP could not be considered in the context of fulfillment of condition (c) of the planning permission granted under the original application.

60. Mr. Patrick Lai supplemented that with respect to the EA report submitted by the applicant during the extension periods, five rounds of submission had been made in August 2000, July 2001, October 2004, March 2007 and September 2010 respectively. Most of them were submitted near the end of each extension period. They were found unacceptable by the relevant government departments. Nonetheless, Mr. Lai said that there were informal discussions on the ecological aspects of the EA between the applicant’s ecological consultant and AFCD officers during that period of time.

61. The same Member asked about the relationship between the revised MLP submitted on 20.9.2010 and the EOT application considered at this meeting. Ms. Amy Y.M. Cheung said that the revised MLP submission made by the applicant on 20.9.2010 indicated that it was difficult to meet the approval conditions and other requirements without modifying the original approved scheme substantially. Ms. Cheung considered that a reasonable solution was for the applicant to submit a new scheme for the TPB's consideration.

62. The Chairman said that if the Committee approved the current EOT application and Members also considered that the latest revised MLP constituted substantial changes to the original approved scheme, the applicant should be informed of such concerns.

63. The Secretary explained that if the Committee approve the current EOT application, the applicant would not be bound to proceed with the revised MLP submitted on 20.9.2010 but could still proceed with the original approved scheme. As explained by Ms. Amy Y.M. Cheung, the applicant could only come up with a revised MLP which was substantially different from its approved scheme after a period of 14 years but the revised MLP was still not accepted by relevant departments. PlanD had therefore considered that the chances for the applicant to comply with the remaining planning conditions were slim, even if further EOT was granted.

64. The Secretary pointed out that according to TPB Guidelines No. 36A, though amendments made to the approved development proposal or the MLP were allowed as a result of fulfilling the approval conditions of the planning permission, there should not be major changes to the original approved development proposal. If major changes to the approved development proposal were involved, a fresh planning application would be required. For the revised MLP submitted by the applicant on 20.9.2010, PlanD had informed the applicant on 1.12.2010 that the revised MLP deviated substantially from the approved development scheme and could not be considered in the context of fulfillment of condition (c) of the original planning permission. The applicant had subsequently written to the TPB stating his disagreement to D of Plan's decision regarding the revised MLP and requested that the matter be referred to the TPB for consideration. The Secretary said that as the TPB had not delegated the authority to the Committee for decision on compliance with planning conditions, the matter would be submitted to the next TPB meeting for a decision.

65. A Member enquired if the “private-public partnership approach” was adopted in the Nam Sang Wai development. In response, Mr. Patrick Lai said that apart from the “private-public partnership approach” advocated by the Environment Bureau under the new conservation policy, it was stated in the TPB Guidelines No. 12B that the TPB or PlanD might consider development with conservation objectives within the WCA under a “private-public partnership approach” if there were strong planning justifications and positive measures to enhance the ecological functions of the existing fish ponds. This approach would allow consideration of limited low-density private residential/recreational development at the landward fringe of the WCA covering a very small part of the site in exchange for committed long-term conservation and management of the remaining ponds which formed the majority of the development site, resulting in a win-win situation.

66. For the Nam Sang Wai project, Mr. Patrick Lai considered that some elements of the “private-public partnership approach” had been included in the applicant’s scheme by proposing a nature reserve at Lut Chau to compensate for the loss of wetland at Nam Sang Wai, though the details of such proposal had yet to be agreed by relevant government authorities.

67. Ms. Amy Y.M. Cheung explained that the Nam Sang Wai project comprised a total of 115ha of land at Nam Sang Wai and 21.9ha of land at Lut Chau, most of which were private land. The applicant proposed to surrender the land at Lut Chau under his ownership in exchange for the government land at Nam Sang Wai. Besides, the applicant’s proposal included a management plan for Lut Chau proposing to set up a management committee including representatives of the applicant, green groups and relevant government departments to manage the nature reserve.

68. In response to the Chairman’s enquiries, Mr. Patrick Lai said that there had not been too much change in the ecological conditions in the Deep Bay Area in the past ten years. Since the promulgation of the TPB Guidelines No. 12B in 1999, development in the Deep Bay Area was governed by the “precautionary approach” and the principle of “no-net-loss in wetland”. According to his understanding, very few development projects which might result in adverse ecological impacts on the wetland were implemented in the WCA and even so, proper mitigation measures would have been proposed.

69. On the Chairman's question on the principle of "no-net-loss in wetland", Mr. Patrick Lai referred to the TPB Guidelines No. 12B, which stated that the no-net-loss could refer to both the loss in "area" and "function". Development of this nature should require minimum pond filling and be located as far away from Deep Bay. Adherence to the "no-net-loss" principle in the Guidelines would be important to ensure no decline in the functions of the wetland within the development site and hence would not result in a cumulative adverse impact on the ecological and conservation values of the Deep Bay Area.

70. In response to the Chairman's enquiry, Mr. Patrick Lai said that there might be some changes in the ecological conditions in the Deep Bay Area over the past ten years which depended on the management inputs, the change in land uses or mode of operation of the fish ponds in different locations within the Area. Mr. K.S. Cheung added that over the past ten years, the number of water birds recorded in the Deep Bay Area had increased from 50,000 to 60,000 numbers per year in early 2000s to about 80,000 in 2007/08.

Deliberation Session

71. In response to a Member's enquiry on the EOT application and the applicant's request for the Board to consider the submission to comply with planning conditions, the Secretary explained that the current EOT application was to extend the validity of the approved scheme under Application No. A/DPA/YL-NSW/12 for three years. On the other hand, the applicant had submitted a revised MLP to PlanD on 20.9.2010 for compliance with the planning conditions of the original approved scheme. In vetting the revised MLP, PlanD noted that it was substantially different from the approved scheme and hence could not be considered in the context of fulfillment of the relevant condition. PlanD had informed the applicant the decision but the applicant wrote to the Secretary on 6.12.2010 raising disagreement to D of Plan's decision and requested to refer the matter to the TPB for consideration. The matter would be submitted to the TPB for consideration at the next meeting on 17.12.2010.

72. Assuming the Committee decided not to approve the EOT application and the planning permission would lapse on 18.12.2010, the same Member asked whether the approved scheme would be considered as commenced if the revised MLP submitted on

20.9.2010 was accepted by the TPB for the purpose of compliance with the approval condition at the next meeting. The Secretary confirmed that the approved scheme could not be considered as commenced under such circumstances. She added that the technical assessments submitted together with the revised MLP were also not accepted by relevant government departments. The Chairman said that should the EOT application be rejected by the Committee at this meeting, the applicant could seek review of the Committee's decision under section 17 of the TPO.

Scope of Class B Amendments

73. Upon the request of the Chairman to explain the status of TPB Guidelines, Mr. Simon Lee said that TPB Guidelines were prepared to guide Members in the exercise of their discretion in a consistent manner. In deciding whether an EOT application should be approved, the Committee should consider if the justifications submitted by the applicant were sufficient to merit the exercise of the discretion by the Committee under the Guidelines to grant an EOT.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

74. As background information, the Secretary said that amendments to the approved development proposals, classified as Class A and Class B amendments, were provided for under section 16A of the TPO for planning permissions granted under section 16, 17 or 17B of the Ordinance. The Ordinance stipulated that TPB might publish Class A and Class B amendments in the Gazette. The schedule of Class A and Class B amendments was gazetted in April 2005 and promulgated in the form of a TPB Guidelines. She asked Mr. Simon Lee to explain the legal status of Class B amendment in considering the EOT application as Category 19 of Class B amendment was for "extension of time for commencement of development".

75. In response, Mr. Simon Lee explained to Members that the power of the Board to specify Class A and Class B amendments by notice published in the Gazette was provided for in section 16A(10) of the TPO. By the Gazette notice, the Board had specified the Class A and Class B amendments. Mr. Lee noted that according to section 16A(11) of the TPO, a notice published in the Gazette under section 16A(10) of the TPO was not subsidiary

legislation. However, since it was published under section 16A(10) of the TPO, its status was more than that of a TPB guideline. Mr. Lee advised Members to further refer to TPB Guidelines No. 35B, which included provisions on application procedures and assessment criteria, when Members considered the EOT application.

76. The Secretary said that it was specified in TPB Guidelines No. 36A under Category 19 of Class B amendment that “the period of extension, or the aggregate of all the periods of extensions, should not exceed the original duration for commencement of development of the approved development proposal”. Members might consider if the EOT application should be rejected as the proposal was outside the scope of Class B amendment in that the aggregate period of extensions had exceeded the original duration for commencement of development of the approved development proposal.

77. Mr. Simon Lee said that in applying TPB Guidelines to a specific application, Members should consider the facts and circumstances of the case and the justifications provided by the applicant before making a decision. Mr. Lee added that the Committee should consider what had been done by the applicant over a period of 14 years to comply with the approval conditions and assess whether there were chances to comply with the conditions if a further three years be given, and whether there were merits in the applicant’s EOT application, before rejecting the EOT application on the grounds that it was outside the scope of Class B amendments.

78. A Member noted that the applicant had made some efforts in complying with the planning conditions. However, the submissions made had not been able to meet the requirements of relevant government departments and the chances of complying with the conditions were slim. Besides, the applicant had been advised in the previous EOT approval letter that a further extension of the validity period would be outside the scope of Class B amendments. The EOT application should not be supported.

Actions taken by the Applicant and Prospect for Commencing the Development

79. Mr. Simon Lee stated if Members considered the fact that what had been done by the applicant over the past 14 years had not been able to fulfill the planning conditions was a major consideration and decided that the EOT could not be approved, Members were to

consider reflecting clearly the planning concerns of the Committee.

80. A Member noted that since the granting of the third EOT approval in 2007, it was not until September 2010 that a revised MLP and a set of technical assessments were submitted. That Member also commented that, in view of its small scale, the Wo Shang Wai project might not be a good example to illustrate that the EIA submission could be completed within a certain period of time. Nevertheless, this Member noted that the information was a relevant background and should not affect the Committee's decision on the EOT application.

81. With respect to the EIA for the Fung Lok Wai project, Mr. Patrick Lai said that, according to the information of AFCD, its EIA Study Brief was issued in 2000 but the EIA Report was subsequently submitted in 2008 and was approved in 2009. Though the consideration of the EIA report had taken only 1.5 years, the preparation of the EIA had taken a much longer time. The same standards and criteria had been adopted by AFCD in assessing the EIA Report of the current scheme and that submitted by the developer of the Fung Lok Wai project.

82. Noting what the applicant had done in the previous years and Members' discussions at the meeting, a Member was of the view that the applicant was not able to demonstrate a reasonable prospect for commencing the development within the proposed extension period.

83. A Member noted that three EOTs were granted to the applicant and it was clearly the responsibility of the applicant to ensure that the approval conditions were fulfilled over a period of 14 years, and not to trigger another EOT application.

84. After some discussion, Members noted that the requirements for EA, EcoIA and conservation plan were standard conditions for approvals for development within ecologically sensitive areas and it was difficult to understand why the applicant could not fulfill the similar type of conditions in 14 years. Members also noted that in trying to comply with the conditions, the applicant's solution was to modify the MLP to an extent that it deviated substantially from the original approved scheme. As pointed out by PlanD, the differences were so fundamental that there was not a reasonable prospect for the applicant to

commence the development approved under Application No. A/DPA/YL-NSW/12 in 1996 within the extension period being applied for. In view of the above, Members agreed that one of the reasons why the EOT should be rejected was that the applicant was not able to demonstrate why the conditions could not be fulfilled within 14 years and that there was a reasonable prospect for commencing the development within the proposed extension period. Members noted that this was in line with the criteria stipulated in TPB Guidelines No. 35B for assessing applications for extension of time for commencement of development proposal.

[Mr. Rock C.N. Chen left the meeting at this point.]

Material Change in Planning Circumstances

85. A Member asked if a material change in planning circumstances should be a reason to reject the application as the Committee might be challenged on moving goal post in assessing the development proposal. A Member also had the same concern. Mr. Simon Lee referred to para. 4(a) of TPB Guidelines No. 35B which indicated that examples like a change in the planning policy or land-use zoning for the area would constitute a material change in planning circumstances.

[Mr. Simon K.M. Yu left the meeting temporarily at this point.]

86. The Secretary drew Members' attention that all planning permissions were subject to a validity period to ensure that the approved scheme would be implemented within a reasonable period of time. While the TPB might grant an EOT for commencement of development, should there be new planning circumstances governing the application, TPB was under no obligation to approve the EOT application. The said practice should not be regarded as moving the goal post.

[Mr. Simon K.M. Yu returned to join the meeting at this point.]

87. The Chairman said that the Committee should consider whether there had been changes in planning circumstances since the application was allowed by the Appeal Board.

88. Mr. Simon Lee commented that in considering whether there was a material

change in planning circumstances, Members were invited to consider clearly what the changes were, with the support of facts and evidence.

89. The Secretary said that an EOT approval was not granted automatically. According to the practice of the TPB, in considering an EOT application, the TPB would need to consider whether there was a material change in planning circumstances before making a decision. If there was a material change in circumstances, a new application had to be submitted. Apart from the growing public awareness towards environmental protection, the Committee might consider other material changes in planning circumstances, such as the change in habitat species and numbers within the Deep Bay Area in recent years, etc. which might be provided by AFCDD to substantiate the rejection reason.

90. Mr. Patrick Lai clarified that the change mentioned earlier in the meeting referred to the number of water birds in the Deep Bay Area as a whole and not specific to the Nam Sang Wai project site. The establishment of great cormorant roosts in the application site was there since mid-1990s. It should also be emphasized that the same set of assessment standards was adopted by AFCDD in assessing the EA submitted by the applicant over the years and that had not been changed due to rising public awareness towards environmental protection in recent years.

91. By referring again to paragraph 3.2(a) of the Paper on the assessment criteria which were contained in TPB Guidelines No. 35B, Mr. Simon Lee said that Members might consider whether there had been any change in planning policy/land-use zoning of the area since the original scheme was approved. Mr. Lee noted that a Member had asked what the current Government policy was on the preservation of the wetland in the presentation and question session. The question indicated the concern as to whether there had been changes in planning policy and/or land-use zoning. Mr. Lee said that the Committee might need to consider in more details what the change was and in what way the current application was in contravention with the latest planning policy and land-use zoning, which might eventually result in a material change in planning circumstances.

92. Members noted that a number of events that had resulted in changes in the planning circumstances had happened in the past 14 years, including the completion of the "Study on the Ecological Value of Fish Ponds in Deep Bay Area" in 1997, the introduction of

the EIA Ordinance in 1998, the promulgation of the TPB Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’ in 1999, the rezoning of part of the application site to “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” in 2001, and the new conservation policy promulgated by the Environment Bureau in 2004. Members agreed that all of the above were regarded as constituting to a material change in planning circumstances.

93. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 10.1 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons were :

- (a) the aggregate of all the periods of extensions, if the application for further extension of time for commencement of development was granted, would exceed the original duration for commencement of development of the approved development proposal which was outside the scope of Class B amendments;
- (b) the applicant failed to demonstrate why the conditions could not be fulfilled within 14 years and that there was a reasonable prospect for commencing the development approved under Application No. A/DPA/YL-NSW/12 in 1996 within the extension period being applied for; and
- (c) the completion of the “Study on the Ecological Value of Fish Ponds in Deep Bay Area” in 1997, the enactment of the Environmental Impact Assessment Ordinance in 1998, the promulgation of the Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” in 1999, the zoning change of part of the application site to “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” in 2001, the introduction of the new conservation policy in 2004, and the growing public awareness towards environmental protection, including wetland conservation, in recent years, all served to constitute a material change in planning circumstances and called for consideration of the

development proposal afresh.

[The Chairman thanked Ms. Amy Y.M. Cheung, DPO/TMYL, Mr. Anthony C.Y. Lee, STP/TMYL, Ms. Kennie M.F. Liu and Mr. William W.L. Chan, TPs/TMYL of PlanD, Mr. Simon Lee, Deputy Law Officer (Civil Law), and Ms. Jenny Fung, Senior Government Counsel of DoJ, and Mr. Patrick Lai, Senior Conservation Officer (North), and Mr. K.S. Cheung, Wetland and Fauna Conservation Officer (Wise Use) of AFCD, for their attendance to answer Members' enquiries. They all left the meeting at this point.]

[Mr. B.W. Chan, Professor Edwin H.W. Chan and Mr. Timothy K.W. Ma left the meeting at this point.]

[A short break of 5 minutes was taken.]

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/703 Temporary Open Storage of Recyclable Materials
(Plastic, Paper and Metal) with Ancillary Workshop and
Recycling of Used Electrical Appliances for a Period of 3 Years
in "Undetermined" zone,
Short Term Tenancy No. 1869, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/703)

Presentation and Question Sessions

94. 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 open storage of recyclable materials (plastic, paper and metal) with ancillary workshop and recycling of used electrical appliances 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 uses under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The application was in line with the TPB Guidelines No. 13E in that there were no adverse comments from concerned government departments. The technical concerns of the Chief Town Planner/Urban Design and Landscape of PlanD and the Director of Environmental Protection (DEP) could be addressed by way of stipulating approval conditions. The applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone which were predominantly occupied for open storage yards and workshops. The last previous Application No. A/YL-HT/683 was approved by the Committee with an approval condition prohibiting the handling of electrical appliances, electronic and computer wastes. For the current application, the applicant indicated that recycling of used electrical appliances would be carried out in a concrete-paved warehouse and DEP advised that if these measures were strictly followed and no dismantling of electrical/electronic appliances would be undertaken on the site, the storage of used electrical/electronic appliances could be tolerated. Nevertheless, to mitigate any potential

environmental impacts, approval conditions restricting the operation hours and governing the storage of electrical/electronic appliances were recommended. The Committee had approved 5 previous applications for similar temporary open storage uses under Applications No. A/YL-HT/7, 259, 449, 626 and 683 since 1996. Since granting the previous approval, there had been no material change in the planning circumstances. The previous Application No. A/YL-HT/626 submitted by the applicant at the site was revoked due to non-compliance with approval condition on no handling of electronic and computer wastes, and a shorter approval period of one year was proposed under Application No. A/YL-HT/683 to monitor the situation of the site accordingly. Since such use was now considered tolerable, there was no need to recommend shorter approval and compliance periods to monitor the situation of the site and fulfillment of approval conditions. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications No. A/YL-HT/608, 609, 632, 662, 666, 679 and 700 for various temporary open storage and port back-up uses within the same "U" zone. As the site was surrounded by these similar applications, approval of the subject application was in line with the Committee's previous decisions. There was no local objection against the application.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;

- (c) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/683 should be maintained during the planning approval period;
- (d) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) no dismantling of electrical/electronic appliances was allowed on the site during the planning approval period;
- (f) handling (including loading, unloading and storage) of electrical/electronic appliances on the site must be carried out within concrete-paved covered structures, as proposed by the applicant, during the planning approval period;
- (g) in relation to (f) above, the construction of covered structure(s) at the site for the handling of electrical/electronic appliances, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (h) 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 10.6.2011;
- (i) 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 10.6.2011;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal, including the removal of weeds on-site, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2011;

- (k) 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 10.6.2011;
- (l) in relation to (k) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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.

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

- (a) prior planning permission should have been obtained before commencing the recycling of used electrical appliances at the site;
- (b) 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;
- (c) to note the comments of the District Lands Officer/Yuen Long that the applicant was required to apply to Lands Department (LandsD) for modification of Short Term Tenancy No. 1869 to permit structures to be erected, or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such

terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee the right-of way of the vehicular access through other private land to the site from Ping Ha Road;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) 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;
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', the construction works for which had already commenced in December 2007 for completion in early 2011. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (g) 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 plan(s). 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 FSI, the applicant was required to provide justifications to him for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing 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; proposed offices and stores (including containers, if any) were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D;
- (i) 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; and
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was required to implement necessary measures to avoid causing water pollution and disturbance to the nearby watercourses and the riparian vegetation.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/69 Temporary Vegetable Collection and Transfer Station
for a Period of 3 Years in “Village Type Development” zone,
Government Land in D.D. 375, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/69A)

Presentation and Question Sessions

98. Mr. Joshua K.C. Kan, STP/TMYL, reported that replacement pages 9 to 11 of the Paper were tabled at the meeting for Members' reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vegetable collection and transfer station 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 (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary vegetable collection and transfer station for a period of three years based on the assessment made in paragraph 11 of the Paper. The existing vegetable collection and transfer station had operated since 2001. It was for reprovisioning of the one originally located on the western side of Tuen Mun Road cleared in 2000 due to a government road project. The station was needed to provide vegetable marketing services to serve the needs of local vegetable farmers in the So Kwun Wat area. As the development was small in scale, it was considered not incompatible with the rural village character of the surrounding areas. Concerned government departments had no objection to or comment on the application. To address the technical concerns of the Drainage Services Department and Fire Services Department, the requirements of submission and implementation of drainage proposals as well as implementation of the accepted fire service installations proposal were recommended. The site was the subject of three previous planning applications (Nos.

A/TM-SKW/31, A/TM-SKW/50 and A/TM-SKW/55) for the same use submitted by the same applicant which were approved with conditions by the Committee on 3.8.2001, 16.6.2006 and 2.11.2007 respectively. The applicant had complied with all the approval conditions of Application No. A/TM-SKW/31. The last two applications (Nos. A/TM-SKW/50 and A/TM-SKW/55) were revoked on 16.12.2006 and 2.5.2008 owing to the non-compliance with the approval condition relating to the provision of fire extinguisher/fire service installations (FSIs). The applicant indicated that he had provided the fire extinguisher/fire service installations on-site but overlooked the deadline of submitting necessary documents pertaining to compliance of the condition. In this respect, the Director of Fire Services had no objection to the application and considered that the FSIs proposal included in the current application acceptable. Nevertheless, shorter compliance periods were recommended to monitor the progress of compliance. There was no public comment received regarding the application.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 6:00 a.m. should be carried out at the application site during the planning approval period;
- (b) the landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.3.2011;

- (d) in relation to (c) above, the implementation of the 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 10.6.2011;
- (e) the implementation of the accepted 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 10.3.2011;
- (f) if any of the above planning conditions (a) or (b) 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 (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.

101. 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 site;
- (b) shorter compliance periods were imposed to monitor the progress on compliance with approval conditions, should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to note the comments of the District Lands Officer/Tuen Mun that the

application for regularisation of Short Term Tenancy No. 1256 submitted by the applicant would be proceeded further;

- (d) to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department; and
- (e) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair work of fire service installations should be undertaken by a Registered Fire Service Installations Contractor (RFSIC); the RFSIC should after completion of the installation/maintenance/modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/187 Renewal of Planning Approval for Temporary Car Trading Use under Application No. A/YL-MP/163 for a Period of 3 Years in “Residential (Group D)” and “Commercial/Residential” zones, Lots 3250 S.B ss.19 (Part) and 3250 S.B RP (Part) in D.D. 104, Fairview Park Boulevard, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/187)

Presentation and Question Sessions

102. Mr. Joshua K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the renewal of planning approval for temporary car trading use under Application No. A/YL-MP/163 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 car trading use could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the site fell within Category 3 areas where sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals, if required, to demonstrate that the proposed uses would not generate adverse impacts on the surrounding areas. The site was the subject of three applications (Nos. A/YL-MP/96, 135 and 163) for the same use approved since 2001. The current application, which was for renewal of the permission granted under Application No. A/YL-MP/163, was in line with TPB Guidelines No. 34B in that there had not been any major change in planning circumstances since the previous approval; no adverse planning implications arising from the renewal were expected; the conditions imposed under the previous approval were all complied with; and the approval period was reasonable. The car trading use was not incompatible with the surrounding land uses including vehicle repair workshop, retail shops and car trading uses. Besides, approval of the application on a temporary basis for a period of three years would not frustrate the long term planning intention of the “Residential (Group D)” and “Commercial/Residential” zones as there was no known development proposal for this part of the zones. Given the small scale of the development and the nature, concerned government

departments had no objection to or adverse comment on the application. However, as there were residential developments located in close proximity to the site, approval conditions restricting the operation hours, the types of vehicles and activities on-site as well as requiring maintenance of paving and boundary fencing were recommended. Besides, the application was also considered generally in line with the TPB Guidelines No. 13E in that there were previous approvals for temporary car trading uses, the applicant complied with all the planning approval conditions under the previous approved Application No. A/YL-MP/163, there was no local objection and no adverse departmental comments/objection and their comments could be addressed through the implementation of approval conditions. There was no local objection to the application received.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.12.2010 to 17.12.2013, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) in addition to (a) above, no operation from 5:00 p.m. to 7:00 p.m. and from 9:00 a.m. to 10:00 a.m. on Sundays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance were

allowed to be parked/stored on the site at any time during the planning approval period;

- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) the landscape planting on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.6.2011;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (l) if any of the above planning conditions (i) or (j) 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

- (m) 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.

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

- (a) to resolve any land issues 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 land within the application site comprises Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government; Short Term Waiver (STW) No. 3052 was granted to Lot 3250 S.B ss. 19 permitting structures with built-over area (BOA) not exceeding 71.52m² and height not exceeding 3m for the purpose of storage and ancillary use to car trading. The aggregated BOA for the specified office and store could have exceeded the prescribed limit under STW. Besides, the plan record indicated that a vehicle repair workshop was proposed near the entrance on Lot 3250 S.B RP for which no permission had been given by his Office; the ingress/egress of the site abutted Fairview Park Boulevard which was a private road located on Lot 3250 S.B ss. 41. His Office did not guarantee right-of-way; and should planning approval be given to the planning application, the lot owner would still need to apply to his Office for modification of the said STW and to permit structure to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the

surrounding areas;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R), Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3) during building plan submission stage; and the applicant's attention was also drawn to the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and

- (e) to note the comments of the Director of Fire Services that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures, the applicant was advised to make reference to the requirement: the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justification to his Department for consideration.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/TM/398

Columbarium in “Government, Institution or Community” zone,
Portions of Blocks 1, 2 and 3 within Fat Yuen Ching Shea at
Lots No. 759 (Part), 791 (Part) and 830 (Part) in D.D. 131,
Tsing Shan Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/398B)

106. The Secretary reported that after issuing the RNTPC Paper, a letter was received from the applicant’s representative on 9.12.2010 (tabled at the meeting) requesting for a deferment of the consideration of the planning application for two months to allow sufficient time for preparation of further information and responses to address the received comments. The Secretary said that the justifications for deferment met the criteria as set out in the TPB Guidelines on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB PG-No. 33).

107. 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/TSW/49

Proposed Comprehensive Residential and Commercial Development (known as “Integrated Elderly Community Project”) with Flat (Elderly Accommodation), Hotel, Shop and Services, Eating Place, Residential Institution, Public Clinic, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in “Comprehensive Development Area” zone and an area shown as ‘Road’, Government Land in Tin Shui Wai Area 115
(RNTPC Paper No. A/TSW/49B)

108. The Secretary reported that the application was submitted by Hong Kong Housing Society (HKHS). The following Members had declared interests on this item:

Mr. Jimmy C.F. Leung as the Director of Planning	]	being a member of the Supervisory Board of HKHS
Mr. Simon K.M. Yu as the Assistant Director/New Territories of Lands Department	]	being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS
Mr. Walter K.L. Chan	]	being a member of the Executive Committee of HKHS
Mr. B.W. Chan	]	being a member of the Supervisory Board of HKHS
Mr. Y.K. Cheng	]	being a member of HKHS
Mr. Timothy K.W. Ma	]	being a member of HKHS

109. The Committee noted that Mr. B.W. Chan and Mr. Timothy K.W. Ma had left the meeting already. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that the Chairman, the Vice-chairman, Mr. Simon K.M. Yu and Mr. Y.K. Cheng could be allowed to stay at the meeting.

110. The Committee noted that the applicant’s representative requested on 7.12.2010

for a deferment of the consideration of the application for a further period of two months since the applicant was still in active discussion with the Planning Department on the departmental comments received.

111. 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-PS/333 Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials under Application No. A/YL-PS/276 for a Period of 3 Years in “Recreation” zone, Lots 206 (Part), 227 (Part), 231 (Part), 232 S.A (Part), 232 S.B (Part), 232 S.C, 232 RP (Part), 234 (Part) and 235 (Part) in D.D. 126 near Fung Ka Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/333)

Presentation and Question Sessions

112. 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 renewal of planning approval for temporary warehouse and open storage of plastic and hardware materials under Application No.

A/YL-PS/276 for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from a Yuen Long District Council (YLDC) Member against the application was received during the statutory publication period. The commenter pointed out that the continued occupation of the site for other uses was not in line with the long-term planning intention of the site and the temporary use under application would cause adverse environmental impacts to the nearby environment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse impacts on the surrounding areas. The site was the subject of three previously approved applications (Nos. A/YL-PS/185, 203 and 276) for the same use submitted by the same applicant. The current application was for the renewal of last permission granted under Application No. A/YL-PS/276 approved for a period three years. It was in line with TPB Guidelines No. 34B as there had not been any material change in planning circumstances since the previous temporary approval, all the approval conditions had been complied with, and there was currently no known recreational proposal for the "Recreation" ("REC") site. The temporary warehouse and open storage use would not frustrate the long-term planning intention of the "REC" zone. Besides, the site was predominantly surrounded by open storage yards of new vehicles, as well as building materials and machineries approved by the Committee. The proposed development was not incompatible with

these adjoining uses. Although there was an existing residential dwelling next to the site, the applicant indicated that the dwelling was his residence. In this connection, the Director of Environmental Protection (DEP) had no objection to the application. Furthermore, the same restrictions on operation hours and types of activities as imposed previously under Application No. A/YL-PS/276 were recommended in the approval conditions. Other concerned government departments consulted had no adverse comments on the application. With respect to the public comment received from the YLDC Member against the application, it should be noted that there was currently no known recreational proposal on the site, and given the temporary nature of the applied use, the long-term planning intention of the "REC" zone was unlikely to be compromised. DEP also had no objection to the application and there was no environmental complaint received in the past three years.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.1.2011 until 28.1.2014, 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 9:00 a.m. was allowed on 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 recycling activities of plastic or other waste materials were allowed on 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 drainage facilities implemented under Application No. A/YL-PS/276 on the site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.7.2011;
- (g) the provision of replacement landscape planting on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 28.7.2011;
- (h) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.7.2011;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.10.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (k) if any of the above planning conditions (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; and

- (l) 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.

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

- (a) resolve any land issues 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 lot owner would need to apply to his office to permit structure to be erected or regularise any irregularities on-site. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by his department;
- (c) to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there should be no change to the agreed drainage system on site and they should be properly maintained all the time without adverse drainage impact to the adjacent areas and the existing drainage facilities;
- (e) 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;
- (f) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that the applicant should be responsible for the access arrangement of the site;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 4 trees along the northern site boundary were missing and a *Macaranga tanarius* on the southern part of the site was dead. The applicant should provide replacement planting for those missing/dead trees. The applicant was reminded to keep a minimum distance of 1m clearance around all tree trunks to avoid storage of materials, which might damage the tree in the location;
- (h) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.

Detailed fire safety requirements would be formulated upon receipt of formal submission of plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications for his consideration;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new work, including any

temporary structure for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation 19(3) during plan submission stage ; and

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains would be affected. A waterworks reserve within 1.5m from the centreline of the affected water main should be provided to his department. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/350 Proposed Temporary Offensive Trades – Lard Boiling Factory
for a Period of 5 Years in “Industrial (Group D)” zone,
Lot 574 (Part) in D.D. 107 and Adjoining Government Land,
Fung Kat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/350)

Presentation and Question Sessions

116. 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 proposed temporary offensive trades – lard boiling factory for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) seven public comments against the application were received during the statutory publication period from three Yuen Long District Councillors, the village leader of Fung Kat Heung and the Chairman of Fung Kat, Mo Fan, Wing Kei, Wah Shing Four Villages Mutual Aid Association, the villager representative of Sha Po Tsuen, the Welfare and Development Committee for the residents of Sha Po Tsuen, and the Fa Pau Hui of Sha Po Tsuen. All the commenters objected to the application on grounds that the proposed development was a polluting industry and would cause adverse environmental, hygiene and sewerage impacts as well as health risks to the villagers. The District Officer (Yuen Long) advised that he had received an objection letter, which was the same as one of the public comments received (the village leader of Fung Kat Heung and the Chairman of Fung Kat, Mo Fan, Wing Kei, Wah Shing Four Villages Mutual Aid Association); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary lard boiling factory could be tolerated for a period of five years based on the assessment made in paragraph 11 of the Paper. Although lard boiling was an offensive trade, suitable sites within “Industrial (Group D)” (“I(D)”) zone might be considered for such purpose provided the use was compatible with the surrounding land uses and appropriate mitigation measures were provided to keep the potential environmental impact to the minimum. The proposed development was considered not incompatible with the surrounding mixed developments including storage and office uses. The site was also within a compound occupied by an existing lard boiling factory which had been in existence at least since PlanD’s survey in early 1990s. The site to the immediate west of the application site was also granted permission for temporary lard

boiling factory under Application No. A/YL-KTN/316, which was now under construction. The proposed development, which would be built in reinforced concrete and enclosed with air-conditioning and ventilation system with installations of water sprayer system and deodorizing device, would improve the operation of lard boiling to minimize its environmental impacts on the surroundings. The development parameters proposed also complied with the planning restrictions stipulated under the “I(D)” zone. The proposed development should therefore not generate significant impact on the surrounding areas if properly implemented and controlled. Relevant departments consulted had no adverse comment on the application. Furthermore, the proposed development would be an improvement to the traditional lard boiling process. Though there were sensitive receivers in the vicinity of the site, the Director of Environmental Protection (DEP) considered that the application could be tolerated in view that the applicant had proposed mitigation measures to minimize the environmental impacts and the applicant was also required to obtain the necessary licences under relevant pollution control ordinances before commencement of the lard boiling operation. Nevertheless, to minimize the environmental impact generated by the temporary use, approval conditions restricting the delivery time and operation hours, as well as the need to obtain the required licences under the relevant pollution control ordinances before operation were recommended. There were objections to the application from the locals mainly on the grounds of possible odour and adverse environmental, environmental hygiene and sewerage impacts. Under the current application, the applicant had proposed a lard boiling process using more advanced technology. Mitigation measures including air-conditioning and ventilation system with installations of water sprayer system and deodorizing device were also proposed and DEP considered that the proposed development was tolerable. Besides, the proposed development would be subject to the licensing requirements under the relevant pollution control ordinances. The applicant would also be advised to consult the locals in respect of the proposed development.

[Dr. James C.W. Lau and Mr. T.K. Choi left the meeting temporarily at this point.]

117. Noting that the lard boiling factory under application was a polluting industry and many local objections had been received during the public inspection period, a Member asked whether the environmental mitigation measures proposed by the applicant were adequate and how the government departments could ensure that the lard boiling factory would not result in adverse environmental impacts to the villagers nearby.

118. In response, Mr. C.W. Tse stated that the lard boiling factory was required to obtain the Specified Process licence under the Air Pollution Control Ordinance as well as the discharge licence under the Water Pollution Control Ordinance. The mitigation measures proposed by the applicant were considered acceptable from the environmental protection point of view, if they were implemented properly at the construction and operation stages. As the applicant would need to obtain the relevant licences before commencing operation of the lard boiling factory, relevant government departments could examine in detail whether the proposed environmental mitigation measures were adequate. Mr. Tse considered that the proposed development could be approved subject to the condition that no commencement of the lard boiling factory before the obtaining of the required licences under the relevant pollution control ordinances from the Director of Environmental Protection.

119. In response to an enquiry of another Member, Mr. C.W. Tse said that it would not be advisable to stipulate detailed measures in the approval conditions. The operation of the lard boiling factory should best be regulated through the licensing system as it would be subject to scrutiny of relevant government departments under the relevant pollution control ordinances. Mr. Tse confirmed that unless the applicant obtained all the relevant licences under the pollution control ordinances and other relevant ordinances, the lard boiling factory could not commence its operation. Otherwise, it would be subject to prosecution by relevant government departments.

120. Upon the enquiry of the Chairman, Mr. Kepler S.Y. Yuen said that the lard factory to the immediate south of the application site was an existing development under the Town Planning Ordinance. It was the subject of an ombudsman case. Mr. C.W. Tse said that according to Environmental Protection Department's record, there were no environmental complaints received in the past three years on the application site. Mr. Tse was of the view that the mitigation measures proposed by the applicant were considered

acceptable and hence the application could be tolerated.

[Dr. James C.W. Lau and Mr. T.K. Choi returned to join the meeting at this point.]

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 10.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the delivery time was restricted to 7:00 a.m. to 2:30 p.m and operation hours of the proposed development were restricted to 8:30a.m. to 5:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) no operation or delivery of goods on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no lard boiling operation should commence on the site until the required licences under the relevant pollution control ordinances have been obtained from the Director of Environmental Protection;
- (d) 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 10.6.2011;
- (e) in relation to (d) above, the implementation of 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 10.9.2011;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;

- (g) in relation to (f) above, the implementation 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 10.9.2011;
- (h) the submission of emergency vehicular access, water supply for fire fighting and 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 10.6.2011;
- (i) in relation to (h) above, the implementation of emergency vehicular access, water supply for fire fighting and 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 10.9.2011;
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) undertake consultation with the local residents on the proposed development;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private land at the site consists of Old Schedule Agricultural Lot held under

Block Government Lease which contained the restriction that no structure was allowed to be erected on the lot without the prior approval of the Government. Short Term Waiver (STW) No. 3396 was granted to Lots 573, 574, 575RP and 576RP in D.D. 107 permitting structures with built-over area not exceeding 929.72m² and height not exceeding 6.4m for the use of lard boiling factory. In addition to the same undertaking, Short Term Tenancy (STT) No. 2414 was also granted for the government land (GL) adjoining Lot 574 in D.D. 107 permitting structures with BOA not exceeding 173.67m² and height not exceeding 5m (except the height of chimney not exceeding 12.62m) for the use of lard boiling factory. The scopes of the STW and STT covered a larger area than those within the site. His office would take enforcement action against any irregularities in breach of the STT and STW. The site was accessible to Fung Kat Heung Road via a short stretch of GL and other private lots, namely Lots 575RP & 576RP. His office provided no maintenance works for this GL nor guarantees right-of-way. Besides, the lot owner and the tenant of the STT might need to apply to his office for modification of the STW and STT to permit structures to be erected or regularize any irregularities on the site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions including the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Director of Environmental Protection (DEP) that the applicant had to observe and abide by the statutory requirements of the environmental pollution control ordinances, and obtain the necessary licences such as the discharge licence under the Water Pollution Control Ordinance and the Specified Process licence under the Air Pollution Control Ordinance;
- (e) adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise any potential environmental nuisances;

- (f) to note the comments of the Commissioner for Transport that the site was connected to San Tam Road via Fung Kat Heung Road and a local road, both were not being managed by his department. The applicant should seek consent from the relevant lands and maintenance authorities for using these access roads to the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the access road leading from San Tam Road to the site was not maintained by his Regional Office;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized structures on the site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Action appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) at building plan submission stage. The applicant should also observe the requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D;
- (i) to note the comments of the Director of Food and Environmental Hygiene that the proposed offensive trade should apply for an offensive trade licence. Licence would be issued only after the clearance from the relevant departments and compliance of the licensing requirements; and
- (j) 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.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/513 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years
in “Village Type Development” and “Agriculture” zones,
Lot 1488 RP in D.D. 106, Yuen Kong Tsuen,
Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/513)

Presentation and Question Sessions

123. 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 shop and services (real estate agency) 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 shop and services (real estate agency) could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The development was considered not incompatible with the surrounding land uses which were predominated by residential

structures/developments, open storage/storage yards, warehouses, agricultural land, parking lots, a petrol filling station, a workshop, a real estate agency office and vacant/unused land. In view of its small scale and frontage onto Kam Sheung Road, the environmental nuisance generated by the development to the nearby residential structures/dwellings would unlikely be significant. Relevant government departments consulted had no adverse comment on the application. Besides, similar applications No. A/YL-KTS/495 and 497 within the same "Agriculture" zone were recently approved with conditions by the Committee on 16.7.2010 and 30.7.2010 respectively. Nevertheless, to minimize the possible environmental nuisance and address the technical concerns of relevant government departments, approval conditions regarding the landscape, drainage and fire safety aspects, and restricting the operation hours were recommended. There was no local objection received during the statutory publication period.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (c) in relation to (b) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2011;

- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (e) in relation to (d) above, the implementation 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 10.9.2011;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.6.2011;
- (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 Director of Fire Services or of the TPB by 10.9.2011;
- (h) 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;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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
- (j) 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.

126. 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 site;

- (b) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as container-converted office, storeroom and carport. The site was accessible to Kam Sheung Road via a short stretch of government land for which his office provided no maintenance works nor guarantees right-of-way. The lot owner would need to apply to his office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by his office acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by his office;
- (c) 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 Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the site did not directly connect to Kam Sheung Road. The applicant should seek consent from the relevant lands and maintenance authorities for using the land/access road to the site;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kam Sheung Road;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause any adverse drainage impact to the adjacent areas;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant should observe that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration; and
- (h) 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 must 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 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/515 Renewal of Planning Approval for Temporary
“Open Storage of Vehicle Parts with Ancillary Workshop” Use
under Application No. A/YL-KTS/483 for a Period of 3 Years
in “Agriculture” zone,
Lots 460 RP, 461 RP (Part) and 462 S.B RP (Part) in D.D. 103,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/515)

Presentation and Question Sessions

127. 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 renewal of planning approval for temporary open storage of vehicle parts with ancillary workshop use under Application No. A/YL-KTS/483 for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures / dwellings located to the north of the site and environmental nuisance was expected. She, however, advised that the site was not the subject of any environmental complaint in the past three years;
- (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 uses under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 2 areas under the TPB Guidelines No. 13E where planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The application, being a renewal application, was in line with the TPB Guidelines Nos. 13E and 34B in that similar previous approvals had been granted and the approval conditions under the last application (No. A/YL-KTS/483) had been complied with. No adverse comment on the current application from the relevant departments, except DEP, had been

received. There had been no major change in planning circumstances since the last approval. In this regard, sympathetic consideration could be given to the current application. Besides, the development was considered not incompatible with the surrounding land uses which consisted of a mixture of open storage yards, a vehicle repair workshop, a parking lot and residential dwellings/structures. While DEP did not support the application as there were residential structures/dwellings in the vicinity, the nearest residential structures/dwellings were located within Ko Po Tsuen about 50m away from the site and separated by Kam Tin Road. There was also no environmental complaint on the site received by DEP in the past three years and no local objection received during the statutory publication period. Nevertheless, to address the concern of the DEP, approval conditions restricting the operation hours and prohibiting heavy vehicles were recommended. A shorter approval period of one year was granted under the previous approval to monitor the situation of the site as an ancillary workshop was proposed and there was environmental concern from DEP. For the current application, the applicant had complied with the approval conditions under the previous approval and no local objection against the current application or environmental complaint at the site had been received and DEP's concern could also be addressed by appropriate approval conditions. Although it was stated in TPB Guidelines No. 34B that under normal circumstances, the approval period for renewal should not be longer than the original validity period of the temporary approval. Since the last approval was shortened to one year to monitor the situation which was now found to be satisfactory, an approval period of three years as sought by the applicant for the application was recommended. There was no local objection received during the statutory publication period.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years as proposed by the applicant, from 19.12.2010 until

18.12.2013, 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 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes including container vehicles, as defined in the Road Traffic Ordinance were allowed to enter/exit the site at any time during the planning approval period;
- (d) the existing boundary fencing should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2011;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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 (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.

130. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval from the Government. Short Term Waiver (STW) No. 2784 was approved for Lot 461RP in D.D.103 permitting structures with built-over area not exceeding 63.1m² and height not exceeding 6.5m for the purpose of ancillary use to open storage of left-hand drive vehicles. No permission had been given for the structures extending onto other lots within the site. The site was accessible to Kam Tin Road via an informal track on government land (GL). His office provided no maintenance works for this GL nor guarantees any right-of-way. The lot owner would need to apply to his office for modification of the abovementioned STW and a STW to cover the structures erected on the other two lots. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) 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 Director of Environmental Protection to minimize 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 that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed open storage site, the applicant was advised to make reference to the requirements in Appendix VI of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/517 Temporary Storage and Parking of Private Vehicles
for a Period of 3 Years in “Agriculture” zone,
Lots 425 S.A (Part) and 429 RP (Part) in D.D. 103,
Ko Po San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/517)

Presentation and Question Sessions

131. 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 storage and parking of private vehicles 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 application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The development was not incompatible with the surrounding areas which were mixed with open storage/storage yards, residential dwellings/structures, workshops, a warehouse, a parking lot, agricultural land, vacant/unused land and utility installations. Although there were scattered residential dwellings/structures in the vicinity, given the nature of the development was for storage and parking of private vehicles, it was unlikely that the development would generate significant environmental nuisance on the surroundings. It was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “Agriculture” zone and the Director of Agriculture, Fisheries and Conservation had no comment on the application. The development was the subject of a previous planning approval (No. A/YL-KTS/407) for the same use as the current application and no adverse comment on the current application from relevant government departments had been received. An application (No. A/YL-KTS/460) for temporary open storage of vehicles and container trailers / tractors park to the immediate south of the site was approved with conditions by the Committee on 13.3.2009. As previous approval had been granted at the site and the approval conditions under the previous approval had been complied with, and that there was no major change in the planning circumstances since the previous planning approval, sympathetic consideration could be given to the current application. Nevertheless, to avoid possible environmental nuisance generated by the development, approval conditions restricting the types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. There was no local objection received during the statutory publication period.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the existing trees and landscape planting within the site should be maintained at all times during the planning approval period;
- (e) 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 10.6.2011;
- (f) in relation to (e) 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 10.9.2011;
- (g) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (h) if any of the above planning conditions (e) or (f) 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

- (i) 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.

134. 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 site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the proposed canopy/shelter. Letter of approval (L of A) No. MNT 18215 was granted to permit erection of agricultural structures on portion of Lot 425 S.A. within the site. However, these agricultural structures should have been removed or converted for non-agricultural use and his office would arrange the cancellation of this L of A as appropriate. The site was accessible to Ko Po San Road via a short stretch of government land (GL). His office provided no maintenance work for this GL nor guarantees any right-of-way. The lot owner would need to apply to his office to regularize any irregularities on the site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) 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 Director of Environmental Protection to minimize any potential environmental nuisances;

- (e) to note the comments of the Commissioner for Transport that the site was connected to Kam Tin Road via a local access road. The land status of this local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the road should be clarified with the relevant lands and maintenance authorities accordingly. Besides, the applicant should allow sufficient manoeuvring spaces within the site such that no reversing in or out was required;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, he was required to provide justifications to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the site was located adjacent to existing Waterworks Reserves where several critical water mains were laid to and from the nearby Au Tau Water Treatment Works. No structure should be

erected over this Waterworks Reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. No trees/shrubs should be planted within the waterworks reserve. No change of the existing conditions should be undertaken without prior agreement of WSD. Besides, layout of a 1,400mm diameter water main along the access road would commence by around end 2010 and complete by around 2013; and

- (i) 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 the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/272 Temporary Eating Place for a Period of 3 Years
in “Village Type Development” zone,
Lots 1184 S.A ss.4 (Part), 1184 S.A RP (Part), 1186 (Part),
1187 S.F (Part), 1187 S.J, 1187 S.K, 1187 S.L, 1187 S.M, 1187 S.N,
1187 RP (Part), 1298 RP (Part) and 2146 in D.D. 117 and
adjoining Government Land, Tai Tong Shan Road,
Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/272)

Presentation and Question Sessions

135. 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 eating place 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 eating place could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, the eating place could provide catering services to the villagers and the workers from the adjoining “Open Storage” zone as well as visitors in the vicinity. The surrounding area of the site was characterized by a mix of land uses including village houses, car parks, restaurants, orchards and fallow agricultural land. The development was not incompatible with the surroundings and would not adversely affect the rural character of the area. Approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The development generally complied with the TPB Guidelines No.15A for ‘Application for Eating Place within “V” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ in that the eating place was located at the fringe of Tai Tong Tsuen and had direct access to Tai Tong Shan Road. The eating place use

would unlikely generate adverse impacts on the surrounding areas and relevant government departments had no comment on the application. While TPB Guidelines No.15A also stated that the eating place use should not affect the land availability for village type development, the Small House applications within the site were all on the waiting list pending further processing. To address the technical concerns of relevant departments, appropriate approval conditions were recommended. There was no local objection received during the statutory publication period.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. to 6:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (c) in relation to (b) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2011;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (e) in relation to (d) above, the implementation 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 10.9.2011;

- (f) 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 10.6.2011;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011;
- (h) 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; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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.

138. 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 site;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as shelters and containers for eating place and storage purposes. Also, no permission had been given for occupation of the adjoining government land (GL). Lot 2146 in D.D. 117 was a New Grant lot granted for a Small House development with maximum built-over area not exceeding 65.03m²

and height not exceeding 8.23m and the residual area for agricultural purpose. The site was accessible to Tai Tong Shan Road via a short stretch of GL. His office provides no maintenance works for the GL nor guarantees right-of-way. The lot owner needed to apply to his office to permit structure to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement. In addition, the applicant should provide adequate drainage measures at the site access and along the site boundary to prevent surface water flowing from the site onto the nearby public roads and drains. The applicant should be reminded that no debris and loose aggregate should be brought to the public roads from the site through the site access;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection for implementation of appropriate mitigation measures. Also, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance for the effluent discharged from the site. Regarding the control of the oil fume and the cooking odour, the applicant should observe the practical control measures suggested in the 'Control of Oil Fume and Cooking Odour from Restaurants and Food Business';
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that tree planting in ground or fixed planters along the perimeter of the site should also be proposed in addition to those potted plants as indicated in Figure 6A – Landscape Plan submitted by the applicant for enhancing the screening and buffering effect;
- (g) to note the comments of the Director of Fire Services that automatic

sprinkler system should be provided to the proposed shelter for the eating place in accordance with BS EN 12845:2003 and FSD Circular Letter No. 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet and sprinkler control valve group should be clearly marked on plans. Fire extinguisher should be provided to the converted container for storage use. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority;

- (h) to note the comments of the Director of Food and Environmental Hygiene that a separate food licence issued by his department after consultation and favourable comments from relevant government departments and compliance of relevant restaurant licensing requirements and conditions was required if food business would be carried on the premises. The type of licence required depends on the mode of business to be conducted thereat. For obtaining information regarding licence application, the applicant could browse his department's website or approach his Restaurant Licensing Resource Centre. The proprietor should take up the management responsibility and to prevent any nuisance arising from the premises;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. The proposed shelters, converted container and cover for staircase were subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII. The site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the BO was required for any proposed new works, including any temporary structures; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/501 Temporary Open Storage of Construction Materials and Recycled Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in “Undetermined” zone, Lot 1662 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/501)

Presentation and Question Sessions

139. 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 open storage of construction materials and recycled materials (including metal, paper and plastic goods) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential developments to the southwest and in the vicinity of the site and environmental nuisance was expected. He, however, advised that no environmental complaint concerning the site was received in the past three years;
- (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 application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. According to TPB Guidelines No. 13E, the site fell within Category 1 areas where favourable consideration would be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. Approval of the application on a temporary basis for not more than three years would not frustrate the long-term use of the area. The

development was not incompatible with the surrounding areas which were mixed with open storage yards and workshops. Although DEP did not support the application as there were sensitive receivers in the vicinity, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays; and not to store electronic waste and carry out workshop activities on the site. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting storage of electronic waste and workshop activities and restricting the type of vehicles used were recommended. Other than DEP, government departments consulted generally had no adverse comment on the application. There was no local objection against the application.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, 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 application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no used electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities should be

carried out on the application site at any time during the planning approval period;

- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2011;
- (i) 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 10.6.2011;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (l) if any of the above planning conditions (g), (h), (i) or (j) 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

- (m) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the storage of used electrical appliances which currently existed on the site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lot owner would need to apply to his office from the lease point of view to permit any structures to be erected or regularize any structures erected on-site. His office acting in the capacity as landlord might approve such application at its discretion and, if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fee, as might be imposed by his office. Besides, the site was accessible through a long stretch of informal track on government land and other private land extended from Shan Ha Road. His office provided no maintenance works for this track nor guarantees right-of-way;
- (e) 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;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (g) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that three numbers of existing trees along the northern perimeter were found covered by climbers which should be cleared/removed in order not to jeopardize the tree growth and health. Besides, there were two types of trees found on-site instead of one as indicated in the submitted landscape plan. An as-built landscape plan showing the actual situation of the existing planting on-site should be submitted for record;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (j) to note the comments of the Director of Fire Services on the requirements

on formulating fire service installations (FSIs) proposal in Appendix V of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut 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 also note the requirements on provision of emergency vehicular access under B(P)R 41D.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/503 Temporary Open Storage of Metal Goods
for a Period of 3 Years in “Undetermined” zone,
Lots 776 (Part), 1878 (Part), 1879 (A) & 1879 (B) (Part),
1943 (Part), 1944 (Part) and 1945 (Part) in D.D. 117 and
Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/503)

Presentation and Question Sessions

143. 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 open storage of metal goods for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential developments to the northwest and in the vicinity of the site and environmental nuisance was expected. He, however, advised that no environmental complaint concerning the site was received in the past three years;
- (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 application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. According to TPB Guidelines No. 13E, the site fell within Category 1 areas where favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of

the area. The development was not incompatible with the surrounding areas which were mixed with open storage yards and warehouses. Although DEP did not support the application as there were sensitive receivers in the vicinity, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time between 6:00 p.m. and 8:00 a.m. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting storage of electronic waste and workshop activities and restricting the type of vehicles used were recommended. There was no local objection against the application.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.12.2013, 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 8:00 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 used electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities should be carried out on the application site at any time during the planning approval period;

- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2011;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2011;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.6.2011;
- (i) in relation to (h) above, the implementation 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 10.9.2011;
- (j) 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 10.6.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) 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 (f), (g), (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the lot owner and the occupier of government land would need to apply to his office to permit any structure to be erected or regularize any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible to Kung Um Road via an informal track on government land and other private lots. His office provided no maintenance works for this government land nor guarantees right-of-way;
- (c) 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;
- (d) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (e) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the 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 should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently have not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures and excavation works. The proposed converted containers for office and storage uses were subject to control under the BO. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut 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; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Item 28

Any Other Business

147. There being no other business, the meeting was closed at 6:05 p.m..