

TOWN PLANNING BOARD

**Minutes of 365th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 18.1.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Professor Nora F.Y. Tam

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Chief Engineer/Traffic Engineering (New Territories East),
Transport Department
Mr. Ambrose S.Y. Cheong

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

Assistant Director/New Territories, Lands Department
Mr. Peter W.M. Tsang

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Ms. Carmen K.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Alfred Donald Yap

Mr. Y.K. Cheng

Dr. James C. W. Lau

Assistant Director (2), Home Affairs Department

Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Ms. Brenda K.Y. Au

Town Planner/Town Planning Board

Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 364th RNTPC Meeting held on 4.1.2008

[Open Meeting]

1. The draft minutes of the 364th RNTPC meeting held on 4.1.2008 were confirmed subject to the amendment to the attendance list from “Chief Engineer/Traffic Engineering (New Territories West)” to “Chief Engineer/Traffic Engineering (New Territories East)”.

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

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of the Sham Chung Development Permission Area Plan

2. The Secretary reported that on 18.12.2007, the Chief Executive in Council approved the draft Sham Chung DPA Plan No. DPA/NE-SC/2A (renumbered as DPA/NE-SC/3) under section 9(1)(a) of the Town Planning Ordinance. Approval of the OZP will be notified in the Gazette on 25.1.2008.

Amendments to the Approved Ha Tsuen Outline Zoning Plan (OZP)

3. The Secretary reported that on 14.12.2007, the Committee agreed that the amendments to the approved Ha Tsuen OZP were suitable for exhibition under section 5 of the Town Planning Ordinance. Subsequently, it was found that there might be a possible loop-hole in the Notes of the “Open Storage (Group 1)” (“OS(1)”) zone whereby operators might argue that ‘Open Storage of Containers’ was a Column 1 use under ‘Open Storage (not elsewhere specified)’. Although the intention of the “OS(1)” zone was clearly stated in the Explanatory Statement (ES) of the OZP which explained that there was no provision for certain uses including “container storage/repair yard”, it would be prudent to clarify the intention beyond doubt. Hence, it was recommended to refine the above Column 1 use as “Open Storage (not elsewhere specified excluding Container Storage/Repair Yard)”.

Paragraph 9.4.4 of the ES would also be slightly amended to achieve the purpose.

4. The Committee agreed to the further amendments and noted that the draft Ha Tsuen OZP No. S/YL-HT/9 incorporating the above amendments would be gazetted on 25.1.2008.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

- (i) Y/TP/7 Application for Amendment to the
Draft Tai Po Outline Zoning Plan S/TP/20
from “Green Belt” to “Village Type Development”,
Lot 64 in DD 36, Cheung Shue Tan, Tai Po
(RNTPC Paper No. Y/TP/7)
-

Presentation and Question Sessions

5. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Mr. W.K. Hui - District Planning Officer/Shu Tin, Tai Po and
North (DPO/STN)

Dr. Kenneth S.S. Tang - Senior Town Planner/STN (STP/STN)

Mr. Wan Man-kit, one of the applicants, was also invited to the meeting at this point.

6. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson informed the meeting that the Secretariat had tabled the speaking notes of the applicant which outlined his response to the comments raised in the Paper. The Chairperson then invited Dr. Kenneth S.S. Tang to brief Members on the background to the

application.

7. Dr. Kenneth S.S. Tang presented the application as detailed in the Paper and made the following main points :

- (a) the application was for amendment of the zoning of the application site on the draft Tai Po Outline Zoning Plan (OZP) from “Green Belt” (“GB”) to “Village Type Development” (“V”) zone to facilitate development of Small Houses on the site;
- (b) justifications from the applicants and the previous application related to the application site as detailed in paragraphs 2 and 4 of the Paper;
- (c) the departmental comments as set out in paragraph 8 of the Paper highlighting that the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the rezoning request as the site fell outside the village ‘environs’ (‘VE’) of Cheung Shue Tan Village and the western part of the site encroached upon a designated Fung Shui Area. The 300-feet ‘VE’ mentioned by the applicants was only a general guideline to draw up the boundary for a recognised village and this guideline might sometimes be impracticable due to local topography and site constraints. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had reservation as Small House development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application. The site was isolated and in the middle of the “GB” zone, set within an area of undeveloped and densely wooded hills and lowland, and the area possessed high landscape value. The “GB” zone was appropriate as it served as a natural buffer sandwiched between the “Residential (Group

C)” zone and the “V” zone. Agreeing to the proposed rezoning would lead to loss of the intact green belt and valuable woodland. The Director of Agriculture, Fisheries and Conservation (DAFC) considered the “GB” zoning appropriate as the site was located amid a densely wooded area on top of a small hill with no existing access;

- (d) two public comments were received during the statutory publication period from the Kadoorie Farm and Botanic Garden Corporation and the World Wildlife Fund objecting to the proposed development on grounds of being not in line with the planning intention of “GB” zone, insufficient infrastructure and no access to the site, and setting of an undesirable precedent; and
- (e) PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. The site was set within a largely undeveloped and densely wooded sloped area serving as a natural buffer between the villages to the south and the residential use to the north. The landscape quality was high and should be preserved. The current “GB” zone which was for defining the limits of urban development by natural features and to contain urban sprawl was considered appropriate. The proposed rezoning of an isolated piece of land in the middle of the “GB” zone with no proper access was not compatible with the surrounding rural environment with mature trees and dense woodland. DAFC and AC for T/NT did not support whilst CTP/UD&L objected to the application. The application site did not fall within any ‘VE’. Although land available within the “V” zone could not fully meet the total Small House demand and the applicants asked for sympathetic consideration for their application, land currently available within the “V” zone should firstly be developed before considering further expansion. The approval of the rezoning proposal would set an undesirable precedent for other similar rezoning proposals in the area leading to adverse cumulative impact and general degradation of the natural environment in the area. There were also public objections on grounds of being not in line with the planning intention of “GB” zone, insufficient infrastructure and no access to the site, and setting of an undesirable

precedent.

8. The Chairperson then invited the applicant to elaborate on the justifications for the application.

9. Mr. Wan Man-kit read out the main part of his speaking notes, making the following main points :

- (a) Lot 65 in DD 36 adjoining the application site was included in Public Works Item No. PWP713CL – Tai Po Development – Formation and Servicing of Areas 12 (Part) and 39, Phase 2A Construction of Sewers, Rising Main and Sewage Pumping Station and resumed by the Government. As such, the proposed rezoning facilitating Small House development on the application site should be allowed;
- (b) regarding DLO/TP's comments on the Fung Shui Area in paragraph 8.1.1(b) of the Paper, it was noteworthy that fung shui matter was within the ambit of the District Officer/Tai Po (DO/TP) and DO/TP and the village representatives of Cheung Shue Tan had no comment in this regard;
- (c) regarding paragraph 8.1.1(c) of the Paper, the 300 feet 'VE' for recognised villages had been adopted for a long time. DLO/TP should be consistent in consideration of applications. DLO/TP should consult the villagers on the issue of village expansion area;
- (d) regarding paragraph 8.1.1(d) of the Paper, should the rezoning application be agreed, about 50% of the Small House demand for Cheung Shue Tan Village for the next ten years could be met; and
- (e) regarding Planning Department (PlanD)'s views in paragraph 10.1(c) of the Paper, PlanD had not provided data on land that could be available for Small House development of Cheung Shue Tan villagers for the Committee's consideration.

10. In response to a Member's enquiry, Mr. Wan advised that a vehicular access would be provided through the "GB" zone to the application site. There was a footpath currently existing on site. Mr. W.K. Hui, DPO/STN, added that the plan in Appendix I(b) provided by the applicants indicated an emergency vehicular access (EVA) proposed by the Civil Engineering and Development Department, and a footpath branching out from this EVA to the application site.

11. In response to the Chairperson's enquiry, Mr. Wan commented that the 300 feet 'VE' was according to that adopted since 1972 which was delineated and measured from the last house in the recognised village cluster. Mr. W. K. Hui referred Members to Plan Z-2 of the Paper which indicated that the application site was outside the 'VE', and the 'VE' might not be exactly 300 feet from the last house after taking into account the topography and other features. Mr. Peter W.M. Tsang pointed out that DLO/TP had advised that the site was outside the 'VE'.

12. As the applicant had no further comment to make and Members had no question to raise, the Chairperson informed him that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in his absence and inform the applicants of the Committee's decision in due course. The Chairperson thanked the applicant and PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

13. Members noted that the data on Small House demand and land available for Small House development in Cheung Shue Tan/Tai Po Mei Villages were summarised in paragraph 10.1(c) of the Paper. Members also noted that the previous application had been rejected and considered that approving the application with widened footpath proposed to traverse the "GB" zone would disturb the largely untouched "GB" slopes and lowland, leading to a general degradation of the natural environment of the area. Members agreed to the concerns raised by Government departments.

14. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the planning intention of the “Green Belt” (“GB”) zone was primarily for defining the limits of urban sprawl and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. Since the proposed rezoning was not compatible with the surrounding area which was predominantly rural in character with mature trees and dense woodland, the current “GB” zoning was considered appropriate and there was no strong justification in the submission for a departure from such planning intention;
- (b) although the land available within the “Village Type Development” (“V”) zone of the Cheung Shue Tan/Tai Po Mei Villages could not fully meet the total future Small House demand, there was land still available within the “V” zone of the same villages. In order to concentrate village type development within the “V” zone, land currently available within the “V” zone should firstly be developed before considering further expansion; and
- (c) the approval of the rezoning proposal would set an undesirable precedent for other similar proposals within the “GB” zone. The cumulative effect of approving such proposals would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

[Open Meeting (Presentation and Question Sessions only)]

- (ii) Y/NE-LYT/6 Application for Amendment to the Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12 from “Agriculture” and “Village Type Development” to “Residential (Group C)1”, Lots 897(Part) and 916B(Part) in DD 83 and Adjoining Government Land, Kwan Tei South, Fanling (RNTPC Paper No. Y/NE-LYT/6)
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- 15. The Secretary reported that Dr. James C.W. Lau had declared an interest in this

application as he had current business dealings with one of the consultants for this application, and he had tendered apologies for not attending the meeting.

Presentation and Question Sessions

16. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

Mr. W.K. Hui - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN)

Ms. Stephanie P.H. Lai - Senior Town Planner/STN (STP/STN)

17. The following applicants and applicants' representatives were invited to the meeting at this point :

Mr. Lee Kim-ming)	Applicants
Ms. Yeung Yuen-man)	
Mr. Raymond Y.H. Leung]	
Mr. Lam Tim-kit]	Applicants' Representatives
Mr. Ben Yeung]	
Mr. Tony Chow]	
Mr. Yan Ping-cham]	

18. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Ms. Stephanie P.H. Lai to brief Members on the background to the application.

19. Ms. Stephanie P.H. Lai presented the application as detailed in the Paper and made the following main points :

- (a) the applicant proposed to rezone the application site (749.6m²) from "Agriculture" ("AGR") and "Village Type Development" ("V") to "Residential (Group C)" ("R(C)") on the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan to facilitate the development of two

low-rise houses with a plot ratio (PR) of 0.34 and a Gross Floor Area (GFA) of 272.92m² based on a development site of 801.3m² (including part of Lot 916sB currently zoned “R(C)”), a site coverage of 17% and a height of 2 storeys over one storey of carport (9m). The site was currently used for open parking and storage of lorries, excavators and construction materials;

- (b) there were generally no objection or no adverse comments from concerned Government departments other than the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) who was concerned that approving this application would set a precedent for similar applications for rezoning land in the “AGR” zone for residential development. The cumulative adverse traffic impact would be significant. The District Lands Officer/North (DLO/N) advised that a portion of Lot 897 fell within the village ‘environs’ (‘VE’) of a recognised village and the “V” zone. Land within the ‘VE’ should be excluded from the proposed development and reserved for Small House development by indigenous villagers;
- (c) a public comment was received during the statutory publication period from the Chairman of the Fanling District Rural Committee (RC) raising objection without giving reason. Three local objections from the same Chairman of the RC and two indigenous inhabitant representatives of Lung Yeuk Tau and Ma Liu Shui San Tsuen were received by the District Officer/North raising objection to the application as land for Small Houses would be taken up;
- (d) PlanD’s Views - PlanD did not support the proposed development intensity at a PR of 0.34 but had no objection in principle to rezoning the application site to “R(C)” for reasons as detailed in paragraph 10.1 of the Paper. The proposed residential development was not incompatible with the surrounding “R(C)” zone and would phase out the undesirable open storage use on site. The proposed development would not have adverse impacts on the surrounding area and concerned Government departments had no adverse comments. Although DLO/N and the public comments raised concern about the loss of “V” land for Small House development, the subject site was

currently used for open storage purpose and would not be released for Small House development for some time. The application site would not contribute much to the supply of land for Small House development. However, the applicant's proposal with a PR of 0.34 on the whole development site was considered excessive in a low-rise, low-density residential neighbourhood zoned "R(C)" with a maximum PR of 0.2 and a maximum building height of 2 storeys (6m) over 1 storey of carport. To be compatible with the "R(C)" zone, to maintain control on the development scale and avoid any adverse impacts, the site should be subject to the same development restrictions of the "R(C)" zone. Subject to the Committee's decision, PlanD would undertake a land use review of the area adjoining the application site with a view to coming up with a more rational zoning boundary for the "R(C)" zone.

20. The Chairperson then invited the applicants and applicants' representatives to elaborate on their justifications for the application.

21. Mr. Raymond Y.H. Leung made the following main points :

- (a) the proposed rezoning to facilitate the development of 2 houses with a PR of 0.34 was compatible with the surrounding residential neighbourhood. A number of houses had been approved in the recently sub-divided lots adjoining the site and the land had been formed and ready for development;
- (b) a rezoning application submitted in 2006 (Application No. Y/NE-LYT/1) had been withdrawn because of the need to change the application site boundary upon Government's resumption of the applicants' land for the Lung Ma Road widening project. To make way for this project, the applicants' land had been reduced from 1,026 m² to 762.8m² and majority of the resumed land fell within the "R(C)" zone. Such loss of the applicants' residential land was to facilitate another residential development in the "Comprehensive Development Area" zone in Queen's Hill. The current rezoning application was a re-submission; and
- (c) to address the concern on development intensity, the applicants now

proposed to reduce the PR from 0.34 to 0.28, which was calculated based on the PR of 0.2 for the “R(C)” zone together with the bonus PR for compensation of the land resumed.

22. In response to the Chairperson’s enquiry, Mr. Raymond Y.H. Leung clarified that they requested the Committee to consider the revised scheme with a PR of 0.28. Mr. Ben Yeung reiterate that the amended PR of 0.28 was based on a PR of 0.2 for a smaller site area after land resumption with bonus PR added on top.

23. The Chairperson pointed out that the amended PR, which was a key development parameter of the proposal, amounted to a reduction of more than 17% from the original scheme. According to the Town Planning Board Guidelines No. 32 on Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance, such would constitute a material change. She asked the applicants and applicants’ representatives, as well as representatives from PlanD, to retire from the meeting so that the Committee could deliberate in their absence on whether the amended scheme could be accepted at this stage. The applicants and applicants’ representatives and PlanD’s representatives all left the meeting temporarily at this point.

Deliberation Session

24. The Secretary informed Members that according to the relevant TPB Guidelines, a change in the proposed PR or GFA under application exceeding 10% would generally be considered as “material”. Further information resulting in a material change of the nature of the application would not be accepted by the Committee and a fresh application would need to be submitted.

25. Members considered that the reduction in PR by more than 17% was material. As such, a fresh application would be required to ensure a due process of publication for public comments and circulation for departmental comments.

26. In response to a Member’s enquiry, the Chairperson advised that should the applicant choose to keep the original scheme, the Committee would continue with the hearing

and deliberation process.

27. The applicants and applicants' representatives and PlanD's representatives were invited back to the meeting at this point.

Presentation and Question Sessions

28. The Chairperson explained Members' decision that the reduction in PR from 0.34 to 0.28 would amount to a change of over 17% and considered as a 'material change' according to the TPB Guidelines No. 32. Owing to the statutory requirement for publication for public comments, the Committee would not proceed to consider the revised proposal. If the applicant wished the Committee to consider the revised proposal, the Committee would adjourn the meeting and the applicant could submit a fresh application for the purpose.

29. Mr. Raymond Y.H. Leung advised that the applicants chose to keep the original scheme. The Chairperson said that the document setting out the revised scheme would be treated as not having been made. The Committee would continue with the hearing and deliberation process based on the original application.

[The Vice-chairman arrived to join the meeting whilst Dr. C.N. Ng left the meeting at this point.]

30. Mr. Raymond Y.H. Leung made the following main points :

- (a) the application site was only 1.5km from Luen Wo Hui and would merit a higher PR than 0.2;
- (b) the applicants had been living there for over 20 years, and subject piece of land was a family asset inherited from their father. Although the public comments requested for that part of the site zoned "V" to be reserved for Small House development, they did not want to build New Territories Exempted Houses (NTEHs) for better design;
- (c) the proposed redevelopment would result in environmental and visual

improvement providing space between houses; and

- (d) sympathetic consideration should be given to their application which was affected by the road widening project.

31. Mr. Ben Yeung added that the application was to facilitate his sister and brother-in-law to build their own residence. His brother-in-law was brought up on this site. They considered alternative proposals including NTEH development but finally decided to build two low-rise, low-density houses. The proposed PR of 0.34 might appear to be excessive as compared to the stipulated PR of 0.2 for the “R(C)” zone in the area, but it only reflected their entitlement taking into account the bonus PR as compensation for the land resumed for road widening.

32. In response to the Chairperson’s and Mr. Peter W.M. Tsang’s enquiry, Mr. Ben Yeung advised that part of the applicants’ land would be resumed by the Government rather than surrendered as dedication. The demarcation line for the resumption had been drawn up by the Lands Department and the road works gazetted. However, there had not yet been a proposal from the Government for the compensation package. Mr. Peter W.M. Tsang said that the applicant would be given appropriate compensation.

33. As the applicants had no further comment to make and Members had no question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicants of the Committee’s decision in due course. The Chairperson thanked the applicants, the applicants’ representatives and PlanD’s representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

34. Members noted that the applicants wanted a higher PR than that stipulated for “R(C)” zone in the area, but Members considered a PR of 0.2 more appropriate.

35. Mr. Ambrose S.Y. Cheong reiterated TD’s comments as detailed in paragraph 8.2 of the Paper, pointing out that TD was concerned with the setting of a precedent for rezoning of agricultural land for residential development leading to significant cumulative traffic

impact.

36. In response to a Member's question, the Chairperson said that if Members considered the proposed residential use acceptable but considered a PR of 0.2 more appropriate so as to be in line with the development intensity of adjoining "R(C)" zone, the PlanD would conduct a land use review for the area taking on board the Lung Ma Road widening project and TD's concern. Concerned Government departments, including TD, would be consulted.

37. In response to the same Member's further question, the Secretary said that subject to the outcome of the land use review, the site might be rezoned "R(C)" and planning permission would not be necessary to facilitate residential development. The applicant could then proceed to apply to the Lands Department for lease modification or land exchange. She added that the applicants' proposed PR of 0.34 was not their entitlement. The area that would be resumed should not be used for PR calculation, and bonus PR should not be claimed since there would be compensation paid by the Government for the resumed part of the applicants' land.

38. Members had no in-principle objection to the proposed residential use of the site given that the site was a residual plot of land surrounded by committed and planned residential developments, including a number of approved planning applications. However, the development intensity should be restricted to a PR of 0.2 and building height of 2 storeys over 1 storey of carport to be in line with other developments in the same "R(C)" zone.

39. After deliberation, the Committee decided not to agree to the application for the reason that the proposed development with a plot ratio of 0.34 was considered excessive and would not be in keeping with the low-rise, low density residential character of the surrounding area. However, Members agreed to ask the Planning Department to undertake a land use review of the area adjoining the application site with a view to coming up with a more rational zoning boundary of the "Residential (Group C)" zone.

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTN/123 Temporary Soya Products Processing Workshop
for a Period of 3 Years in “Agriculture” zone,
Lots 1049 and 1050 in DD 95 and Adjoining Government
Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/123)
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Presentation and Question Sessions

40. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary soya products processing workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected. The Project Manager/New Territories North, Civil Engineering and Development Department advised that the application site fell within the project limit of the Kwu Tung North New Development Area (NDA). The newly reconstructed temporary structure now proposed by the applicant might have to be cleared and demolished for the NDA project. According to the current programme of the projects, the land requirement for the commencement of site formation and engineering infrastructure works for the NDA projects would be around 2014. Other Government departments consulted had no objection or no 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; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. The majority of the application site (about 66% of the site) was an “existing use” for soya production workshop and had been in existence before the Kwu Tung Interim Development Permission Area Plan. The application site was the subject of previous planning approval and with an existing structure to be rebuilt to the standards of the Buildings Ordinance, together with an extension area of about 630m². The applied temporary use was not incompatible with the surrounding land uses which were either vacant or warehouses and open storage yards. There had been no material change in planning circumstances since the previous planning approval (Application No. A/NE-KTN/68). The applied use would unlikely have significant adverse impacts on the surrounding areas. DEP's concern could be addressed through the advisory clause on the need to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although the site fell within the Kwu Tung North NDA, works related to the NDA would not commence until 2014 whilst the current approval was for three years until 2011.

41. Members had no question on the application.

Deliberation Session

42. Mr. Ambrose S.Y. Cheong advised that the rural access road was not managed by the Transport Department. Since it was narrow and substandard, no medium/heavy goods vehicle to/from the site should be allowed. He noted that an approval condition had been included in paragraph 11.2(b) in this regard.

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of the landscape planting within the application site during the planning approval period;
- (b) the use of medium/heavy goods vehicle to/from the application site was not allowed during the planning approval period;
- (c) the reinstatement of the slope, toe channel, U-channels and catchpit affected by the unauthorized construction works at a piece of Government land within the application site within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2008;
- (d) the submission of proposals on fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008;
- (e) in relation to (d) above, the provision of fire service installations and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2008;
- (f) if any of the above planning conditions (a) or (b) 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; and
- (g) if any of the above planning conditions (c), (d) or (e) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

44. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) to apply to the District Lands Office/North, Lands Department for modification of the Short Term Tenancy conditions to regularize the existing and proposed structures;
- (c) to resolve any land issue relating to the development with other concerned owners of the application site;
- (d) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the comments of the Project Manager/New Territories North, Civil Engineering and Development Department to exclude a small portion on the north-eastern side of the application site from use to avoid encroaching on the works area of PWP Item No. 7259RS – Cycle Tracks connecting North-West New Territories and North-East New Territories and that the newly reconstructed temporary structure proposed in the application might have to be cleared and demolished for the Kwu Tung North New Development Area project; and the small portion of the application site should be excluded from use to avoid encroaching on the works limit;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) the granting of planning approval should not be construed as condoning any unauthorized structures existing on the 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; any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the BO;

- (ii) any containers used as office were considered as temporary buildings and were subject to control under the Building (Planning) Regulations (B(P)R) Part VII;
- (iii) formal submission of any new works including any temporary structure for approval under the BO was required. If the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the (B(P)R)19(3) at the building plan submission stage; and
- (iv) the applicant's attention was drawn to B(P)R 41D on the provision of emergency vehicular access to the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-TK/242 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 254B in DD 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/242)
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Presentation and Question Sessions

45. Ms. Stephanie P.H. Lai, 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 – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) raised concern that the application was located within the “Green Belt” (“GB”) zone and in the vicinity of a “Conservation Area” (“CA”) zone on the draft Ting Kok OZP. The application site was currently covered with low shrubs. The application was considered not to

be in line with the planning intention of the “GB” zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) raised objection from landscape planning point of view as the site was located in a largely undisturbed and predominantly rural landscape with woodland in its west. Approval of the proposed Small House, which was disconnected from other existing village house clusters, would erode the function of the “GB” zone and be detrimental to the existing landscape quality. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation as Small House development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Other Government departments consulted had no objection or no adverse comments on the application;

- (d) one public comment from a green group was received during the statutory publication period objecting on grounds of adverse sewerage, water quality, landscape and visual impacts. One local view was received by the District Officer stating that the Indigenous Inhabitant Representative and Resident Representative of Wong Yue Tan both reserved their right of objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 13.1 of the Paper. The proposed Small House complied with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that about 50% of the application site fell within the ‘VE’ and there was a shortage of land in meeting the forecast demand for Small House development. The proposed Small House was compatible with the surrounding rural environment and would not impose adverse impacts on the surrounding area nor overstrain the capacity of the existing or planned infrastructure. Although AC for T/NT had reservation on traffic ground, a number of similar applications had been approved in the vicinity of the application site and the approval of this application would be in line with the Town Planning Board’s previous decisions. On

the concern raised by DAFC, CTP/UD&L and the public relating to the landscape and visual impacts, each application would be considered on its own merits and other Small Houses would be assessed according to the Interim Criteria. Regarding the sewerage and water quality concern raised in the public comment, concerned Government departments had no objection to the application.

46. Mr. Ambrose S.Y. Cheong reiterated TD's reservation due to the potential cumulative traffic impact arising from approval of the proposed Small House in "GB" zone.

Deliberation Session

47. Members noted TD's reservation but considered that the application could be approved as it generally complied with the Interim Criteria in that more than 50% of the site fell within the 'VE' and there was a shortage of land in meeting the Small House demand.

48. 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 18.1.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

49. The Committee also agreed to advise the applicant :

- (a) that he might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters 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 Water Supplies Department's standards;

- (b) to consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-TKL/302 Proposed Temporary Open Storage of Building Materials and Equipment with Ancillary Office for a Period of 3 Years in "Agriculture" zone, Lot 50 in DD 77 and Adjoining Government Land, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/302)
-

Presentation and Question Sessions

50. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building materials and equipment with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Chief Town

Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) raised objection from landscape planning point of view as the site was located in a green and tranquil residential neighbourhood and the site was embraced by many large trees achieving a pleasant and tranquil rural environment. No similar open storage use could be found in the adjacent area. Significant changes and disturbances to the existing landscape character/resources were anticipated. Other Government departments consulted had no objection or no adverse comments on the application;

- (d) one public comment was received during the statutory publication period from the Ta Kwu Ling District Rural Committee objecting on grounds of adverse traffic, environmental pollution and noise nuisances to Ping Yeung Village. Local objections were also received by the District Officer that some Indigenous Inhabitant Representatives had raised objection to open storage uses on this site and the surrounding areas since 1999 on similar grounds as those raised in the public comment; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application was not in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the site did not have any previous planning approvals, and there were adverse departmental comments and local objections. DEP did not support from environmental point of view whilst CTP/UD&L objected on landscape grounds. The proposed use was not compatible with the surrounding rural and residential environment. There was insufficient information to demonstrate that the proposed use would not have adverse environmental and landscape impacts.

51. Members had no question on the application.

public comments should be taken into account when processing the application. Other Government departments consulted had no objection or no adverse comments on the application;

- (d) six public comments were received during the statutory publication period. The Sha Tin Rural Committee had no comment if the number of ash urns remained the same. A Sha Tin District Council Member raised concern on landslide and water pollution and requested that the scale of the temple should not be allowed to expand. The Incorporated Owners of Mei Chung Court and three members of the Sha Tin (West 2) Sub-Area Committee objected on grounds of deterioration of the green environment, nuisances caused by worshippers and burning of incense, potential danger of landslides and water pollution brought by the expansion of the columbarium; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the paper. The application was for regularisation of the existing religious institution with ancillary columbarium use and it complied with the Town Planning Board Guidelines No. 10 for Application for Development within “Green Belt” zone in that its scale, intensity, design and layout of the development were compatible with the character of the surrounding areas. It would not involve extensive clearance of natural vegetation and would not cause adverse visual, landscape and traffic impacts to the surrounding areas. The columbarium use was considered not incompatible with the religious use and the temple setting. Regarding GEO's and the public concern on slope safety, an appropriate approval condition could be imposed. The public concern on the possible increases in niches leading to adverse impacts could be addressed by the approval condition restricting the number of niches to be permitted in the columbarium.

54. Members had no question on the application.

Deliberation Session

55. Members noted that there were precedents of approved applications for regularisation of existing columbarium use and it was the past practice to restrict the scale of the columbarium.

56. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maximum number of niches for ash urns within the application premises should not exceed 766;
- (b) the submission of a Geotechnical Planning Review Report and implementation of the necessary geotechnical remedial works identified therein to ensure the stability of the existing slopes to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (c) the submission and provision of sewerage facilities to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the provision of EVA, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

57. The Committee also agreed to advise the applicant :

- (a) that the approval of the application did not imply that the necessary approvals would be given by any Government departments. The applicant should approach the relevant Government departments direct for any necessary approvals; and
- (b) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department that all unauthorized building works/structures to be

removed; all building works area was subject to compliance with the Buildings Ordinance; and an authorised person must be appointed to coordinate all building works; and the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 5

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-LT/212-2 Application for Amendment to Permission –
Proposed Seven Houses
(New Territories Exempted Houses – Small Houses)
(Amendments to Approved Scheme)
in “Agriculture” zone,
Lots 1203A-1203G in DD 7, Hang Ha Po Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/212-2)
-

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-LT/220-2 Application for Amendment to Permission –
Proposed Seven Houses
(New Territories Exempted Houses – Small Houses)
(Amendments to Approved Scheme)
in “Agriculture” zone,
Lots 1203H(Part), 1203J-1203N, 1203P and
1205C in DD 7, Hang Ha Po Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/220-2)
-

58. Noting that the two applications were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

59. The Secretary reported that Dr. James C.W. Lau had declared an interest in these

two applications as he had current business dealings with the consultant for these applications, and he had tendered apologies for not attending the meeting.

Presentation and Question Sessions

60. Dr. Kenneth S.S. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed seven houses (New Territories Exempted Houses – Small Houses) (Amendments to Approved Scheme) for each of the two applications;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) maintained his previous view that he did not favour the applications as the sites were classified as good quality agricultural land with good potential for rehabilitation. The Director of Environmental Protection (DEP) did not support the applications as the proposed houses were located within Water Gathering Ground (WGG) and outside the “Village Type Development” (“V”) zone with no provision of existing or planned sewerage system. The discharge from the houses would cause adverse water quality impact to the WGG. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraph 7.2 of the Papers. The applications were related to the adjustment of site boundary and change in disposition and shape of the Small Houses. Such amendments were minor and had not significantly affected the overall layout of the proposed development. Concerned Government departments had no adverse

comments, except DEP and DAFC. DEP's concern could be addressed by the imposition of approval conditions on drainage and sewerage aspects as well as to contain nuisance during the construction period. For DAFC's concern, the sites fell almost completely within the village 'environs' and the original permissions were granted in 1999 (Application No. A/NE-LT/212-2) and 2000 (Application No. A/NE-LT/220-2) respectively. There had been no major change in planning circumstances since the last approvals.

61. Members had no question on the applications.

[Mr. B.W. Chan left the meeting temporarily at this point.]

Deliberation Session

62. Members considered that the s.16A applications could be approved noting that previous approvals had been given since 1999 and 2000, and the amendments to the approved schemes were required as a result of the Government's drainage project.

63. After deliberation, the Committee decided to approve Applications No. A/NE-LT/212-2 and A/NE-LT/220-2, each on the terms of the respective application as submitted to the Town Planning Board (TPB).

64. For Application No. A/NE-LT/212-2, the permission should be valid until 8.10.2008, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;

- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (f) the connection of the foul water drainage system to public sewers to the satisfaction of the Director of Water Supplies or of the TPB.

65. The Committee also agreed to advise the applicant :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that the south-western side of House No. 11 and the north-western corner of its balcony were too close to the lot boundary. The house site could be shifted towards the north-east in order to maintain adequate clearance between the house and the lot boundary. The applicant was advised to employ a professional land surveyor to survey his lot and provide survey information for his consideration;
- (c) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department that :

- (i) the whole system should be properly maintained and desludged at regular intervals. The sludge should be carried away and disposed of outside the Water Gathering Ground;
 - (ii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the proposed houses to the septic tank and soakaway pit system;
 - (iii) since the proposed houses were located within 30m from the water course, they should be located as far from the water course as possible;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
- (i) a minimum clearance of 3.5m between the top of river bank of the adjacent stream courses and the house boundaries should be maintained at any time. Any obstruction or disturbance to the nearby stream course was prohibited at any time during and after construction of the proposed houses; and
 - (ii) the site was in an area where no public sewerage connection was available.

66. For Application No. A/NE-LT/220-2, the permission should be valid until 17.3.2009, 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 provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;

- (c) the provision of septic tank and soakaway pit for foul effluent disposal and the sewerage connection at a distance of not less than 30m from any watercourses to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

67. The Committee also agreed to advise the applicant :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. Please refer to the TPB Guidelines No. 35 and 36 for details;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that parts of Houses No. 16, 19, 21 and 22 were too close to their respective lot boundaries. Amendments to the layout/position of the Small Houses were recommended in order to maintain adequate clearance between the houses and their boundaries. The applicant was advised to employ a professional land surveyor to survey his lot and provide survey information for his consideration;
- (c) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department that :
 - (i) the whole system should be properly maintained and desludged at regular intervals. The sludge should be carried away and disposed of outside the Water Gathering Ground;

- (ii) the whole of foul effluent should be conveyed in cast iron pipes with sealed joints and hatch boxes to be discharged from the proposed houses to the septic tank and soakaway pit system;
 - (iii) since the proposed houses were located within 30m from the water course, they should be located as far from the water course as possible;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
- (i) a minimum clearance of 3.5m between the top of river bank of the adjacent stream courses and the house boundaries should be maintained at any time. Any obstruction or disturbance to the nearby stream course was prohibited at any time during and after construction of the proposed houses; and
 - (ii) the site was in an area where no public sewerage connection was available.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, Ms. Stephaine P.H. Lai and Dr. Kenneth S.S. Tang, STPs/STN, for their attendance to answer Members' enquires. They left the meeting at this point.]

74. There was a break of 5 minutes.

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

[Ms. Anna S.Y. Kwong and Mr. Ambrose S.Y. Cheong left the meeting temporarily at this point.]

Agenda Item 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TSW/40 Proposed School (Tutorial School) in “Residential (Group B)” zone, Shop No. 100-103, Podium Floor, Kingswood Richly Plaza (Phase II), 1 Tin Wu Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No.)
-

Presentation and Question Sessions

75. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

76. Members had no question on the application.

Deliberation Session

77. 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 18.1.2012, 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 provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of water supply installations for the proposed tutorial school to the satisfaction of the Director of Water Supplies or of the TPB.

78. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note D of FS's comment that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans/licence application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (d) to liaise with the Secretary for Education with regard to the school registration matter.

[Messrs. B.W. Chan and Ambrose S.Y. Cheong returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-PS/250 Proposed Filling and Excavation of Land for Development of New Territories Exempted Houses and Proposed Utility Installation for Private Project (Transformer Room) in “Village Type Development” zone, Lots 1340B4 to 24, 1340BRP, 1340B1RP(Part) and 1340B2RP(Part) in DD 121, Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/250)
-

79. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for this application, and he had tendered apologies for not attending the meeting.

Presentation and Question Sessions

80. The Committee noted that the applicant requested on 4.1.2008 for a deferment of the consideration of the application to allow time to preparation of further information in support of the application so as to resolve technical concerns on tree preservation aspect.

Deliberation Session

81. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-PS/279 Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Residential (Group A)2” zone, Lot 2329RP in DD 124, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/279)
-

Presentation and Question Sessions

82. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and light goods vehicle for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) four public comments from the residents and resident associations of the adjacent residential developments were received during the statutory publication period. One raised concern and three objected on adverse traffic impact ground; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.1 of the Paper. There was no development proposal in this “Residential (Group A)2” (“R(A)2”) zone. Granting temporary approval of the application would not frustrate the planning intention of the “R(A)2” zone. The applied use for parking of private car and light goods vehicle was not incompatible with the surrounding land uses which were predominantly residential in character. Although there were public objections on traffic ground, concerned Government departments had no objection and the applied use would unlikely have significant adverse impacts on the

surrounding areas.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.1.2011, 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 site during the planning approval period;
- (b) no dismantling and repairing of vehicles and other workshop activities were allowed on site at any time during the planning approval period;
- (c) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.7.2008;
- (f) in relation to (e) above, the implementation of the approved landscape and 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 18.10.2008;
- (g) the submission of a 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 18.7.2008;

- (h) in relation to (g) above, the provision of drainage facilities identified in the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.10.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008;
- (j) 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;
- (k) if any of 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 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.

85. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should be reminded to apply for Short Term Waiver to regularise the irregularities on the site;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. The granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances; and
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status, management and maintenance responsibilities of the road/path/track leading to the site should be checked and clarified.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/523 Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in “Coastal Protection Area” zone,
Government Land at Ngau Hom Sha, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/523)
-

Presentation and Question Sessions

86. 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 proposed public utility installation (Telecommunications Radio Base Station);
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period and one local objection was received by the District Officer from the same Village Representative of Pak Nai Village raising strong objection on the ground that the applied use had caused nuisance to nearby villagers and the electromagnetic radiation generated would affect living organisms and the functioning of electrical appliances would be affected; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The development was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone. There was a general presumption against development in the “CPA” zone but insufficient information had been provided to justify locating the development in “CPA” zone and there was no information on the availability of alternative sites in the area. Similar

suspected unauthorised uses were been found in the vicinity. Approval of the application would set an undesirable precedent for similar applications leading to adverse cumulative effect and general degradation of the environment of the area.

87. Members had no question on the application.

Deliberation Session

88. Members considered that the applied use was not in line with the planning intention for “CPA” zone.

89. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Coastal Protection Area” (“CPA”) zone where there was a general presumption against development;
- (b) there was insufficient information to justify locating the development in the “CPA” zone;
- (c) approval of the application would set an undesirable precedent for similar applications within the “CPA” zone. The cumulative effect of approving similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/524 Proposed Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1103RP(Part), 1104RP, 1105, 1106(Part), 1107(Part), 1131(Part), 1132(Part), 1138(Part), 1139RP(Part), 1139ARP, 1140(Part), 1141RP(Part) and 1146(Part) in DD 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/524)
-

Presentation and Question Sessions

90. 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 proposed temporary open storage of containers for a period of 3 years in “Recreation” (“REC”) zone;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road (San Wai Road), and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) requested the Committee to consider if the approval of the application would set an undesirable precedent for similar applications in the surrounding areas, and approving similar applications might induce cumulative adverse traffic impact on the nearby road network. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The

application was not in line with the planning intention of the “Recreation” zone and did not meet the Town Planning Board Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’ in that there were adverse departmental comments from DEP and AC for T/NT on environmental and traffic grounds. Only a small portion of the site (18%) was involved in a previous planning permission (Application No. A/YL-HT/244). The proposed use was not compatible with the nearby village settlement cluster at Tseung Kong Wai to its north and the residential dwellings to its east. There was insufficient information to demonstrate that the proposed use would not have adverse environmental and traffic impacts.

91. In response to the Chairperson’s enquiry, Mr. Anthony C.Y. Lee advised that the zoning of the site remained as “REC” zone in the review of the land use for the Ha Tsuen Outline Zoning Plan to be gazetted on 25.1.2008. A small part of the application site was the subject of three previous planning permissions (Applications No. A/YL-HT/81, 154 and 244) which had either been revoked or the permission had lapsed.

Deliberation Session

92. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the applied use was not compatible with the nearby village settlements, in particular the cluster of village type developments to the north;
- (b) the development was not in line with the planning intention of the “Recreation” zone which was primarily for recreational developments for the use of the general public. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up

Uses in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-HT/525 Temporary Open Storage of Metal Ware
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 716B(Part), 717(Part), 718(Part), 719(Part) and
720(Part) in DD 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/525)
-

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/526 Temporary Open Storage of Construction Materials and
Metal Ware for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 719(Part), 739(Part), 745(Part), 750(Part),
751(Part), 752(Part), 753(Part) and 754(Part) in DD 125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/526)
-

93. Noting that the two applications were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

Presentation and Question Sessions

94. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed temporary open storage of metal ware for a period of 3 years

(for Application No. A/YL-HT/525) and the proposed temporary open storage of construction materials and metal ware for a period of 3 years (for Application No. A/YL-HT/526);

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity of the site and the access road (Ping Ha Road), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L) had reservation from landscaping point of view. There were some large existing trees/tree groups along the outside perimeter of the sites. Moderate adverse landscape impact on the surrounding areas by the proposed developments was anticipated. Other Government departments consulted had no objection or no adverse comments on the applications;
- (d) no public comment on the applications was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applications could be tolerated for reasons as detailed in paragraph 12.2 of the Papers. The applied temporary use under each of the applications would not frustrate the planning intention of the “CDA” zone which had no immediate implementation programme. They were not incompatible with the surrounding open storage uses. Previous and similar planning approvals for similar uses had been granted for the application sites and in the surrounding areas. The applied uses would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP and CTP/UD&L. DEP's concern could be addressed through the inclusion of approval conditions on operation hours, prohibition of workshop activities and use of heavy vehicles and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts.

CTP/UD&L's concern could be addressed through the inclusion of approval conditions on landscape requirement. Shorter approval and compliance periods were recommended to monitor the situation.

95. Members had no question on the applications.

Deliberation Session

96. Members considered that the uses under the two applications could be tolerated for one year.

97. After deliberation, the Committee decided to approve Application Nos. A/YL-HT/525 and A/YL-HT/526 on a temporary basis for a period of 1 year until 18.1.2009 respectively, on the terms of the application as submitted to the Town Planning Board (TPB) subject to the conditions set out below.

98. Application No. A/YL-HT/525 was subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) no handling, loading/unloading and storage of electrical appliances was allowed on the site at any time during the planning approval period;
- (e) no vehicle exceeding 5.5 tonnes, as proposed by the applicant, was allowed to enter the site during the planning approval period;
- (f) the stacking height of materials stored on the site should not exceed

2.5 metres, as proposed by the applicant, at any time during the planning approval period;

- (g) the implementation of the landscape proposal as submitted within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2008;
- (h) 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 18.4.2008;
- (i) in relation to (h) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2008;
- (j) the submission of emergency vehicular access, water supply for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.4.2008;
- (k) in relation to (j) above, the provision of emergency vehicular access, water supply for fire fighting and fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the above 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 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.

99. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that a shorter approval period of one year was granted and shorter compliance periods were imposed in order to monitor the situation of the site and the fulfillment of approval conditions;
- (c) to resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (d) to note that the planning permission of application No. A/YL-HT/461 mentioned in the drainage assessment had already been revoked on 9.11.2007 due to non-compliance with conditions on the submission of drainage proposals, and the provision of fencing, drainage facilities and fire extinguisher;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in the application :
 - (i) the connection details and the information of the discharge point such as the size of drains connecting to the drainage system of the site of application No. A/YL-HT/461 should be given in the drainage proposal;
 - (ii) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from the adjacent areas. The applicant should construct open channels of adequate size on both

sides of the wall or construct adequate openings at the foot of the wall to allow passage of rainwater from adjacent areas;

- (iii) the applicant was required to ensure that the drain which the runoff collected by the site would be discharged was adequate to discharge additional flow from the site. The District Lands Officer/Yuen Long, Lands Department (DLO/YL) should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots; and
- (iv) as the runoff of the site would be discharged to the drainage system of the site of application No. A/YL-HT/461, the applicant should seek consent from the lot concerned owners on the drainage connection. The applicant might be required to revise the drainage proposal in case the drainage system for the site of Application No. A/YL-HT/461 was not accepted by his Department.
- (f) to note DLO/YL's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver to regularize the unauthorized structures on site;
- (g) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof;
- (h) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;

- (i) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that he might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards; and
- (k) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans, and that the Emergency Vehicular Access provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue (MoA Code) under Building (Planning) Regulation 41D.

100. The Committee agreed that the applicant would be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

101. Application No. A/YL-HT/526 was subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) no handling, loading/unloading and storage of recycled materials and construction machinery was allowed on the site at any time during the planning approval period;
- (e) no vehicle exceeding 5.5 tonnes, as proposed by the applicant, was allowed to enter the site during the planning approval period;
- (f) the stacking height of materials stored on the site should not exceed 2 metres, as proposed by the applicant, at any time during the planning approval period;
- (g) the implementation of the landscape proposal as submitted within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2008;
- (h) 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 18.4.2008;
- (i) in relation to (h) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2008;
- (j) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.4.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;

- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the above 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 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.

102. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that a shorter approval period of one year was granted and shorter compliance periods were imposed in order to monitor the situation of the site and the fulfillment of approval conditions;
- (c) to resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (d) to note that the planning permission of application No. A/YL-HT/461 mentioned in the drainage assessment had already been revoked on 9.11.2007 due to non-compliance with conditions on the submission of drainage proposals, and the provision of fencing, drainage facilities and fire extinguisher;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in the application :

- (i) the connection details and the information of the discharge point such as the size of drains connecting to the drainage system of the site of application No. A/YL-HT/461 should be given in the drainage proposal;
 - (ii) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from the adjacent areas. The applicant should construct open channels of adequate size on both sides of the wall or construct adequate openings at the foot of the wall to allow passage of rainwater from adjacent areas;
 - (iii) the applicant was required to ensure that the drain which the runoff collected by the site would be discharged was adequate to discharge additional flow from the site. the District Lands Officer/Yuen Long, Lands Department (DLO/YL) should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots; and
 - (iv) as the runoff of the site would be discharged to the drainage system of the site of application No. A/YL-HT/461, the applicant should seek consent from the lot concerned owners on the drainage connection. The applicant might be required to revise the drainage proposal in case the drainage system for the site of application No. A/YL-HT/461 was not accepted by his Department.
- (f) to note DLO/YL's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver /Short Term Tenancy to regularize the unauthorized structures/occupation of Government land on site;
- (g) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha

Road to/from the site might be affected during the construction period for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof;

- (h) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (i) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly; and
- (j) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that he might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matters (such as private lots) associated with the provision of water supply and that he should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD’s standards.

103. The Committee agreed that the applicant would be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-HT/527 Renewal of Planning Approval for Temporary Logistic Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years,
Lots 770A(Part), 770B, 771B3(Part), 817ARP(Part) and 817BRP in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/527)
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Presentation and Question Sessions

104. 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) renewal of planning approval for temporary logistic transit centre with ancillary vehicle parking facilities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road (Ping Ha Road), and environmental nuisance was expected. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application as the occupier did not accept the offer of Short Term Tenancy (STT) No. 2185 and his office would consider taking appropriate control action against the occupier should unauthorised occupation of the Government land be found. Other Government departments consulted had no objection or no 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; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of

the Paper. The applied temporary use would not frustrate the planning intention of the “CDA” zone which had no immediate implementation programme. It was not incompatible with the surrounding open storage uses. Previous approval had been granted in the application site and all the approval conditions had been complied with. There had been no material change in planning circumstances since the last approval. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP and DLO/YL. DEP’s concern could be addressed through the inclusion of approval conditions on operation hours, prohibition of stacking of containers on site and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. DLO/YL’s concern was a land administration matter and an advisory clause had been proposed to address his concern.

105. In response to a Member’s enquiry on the information in Appendix III, Mr. Anthony C.Y. Lee said that a replacement page for Appendix III had been faxed to members before the meeting and also tabled at the meeting.

Deliberation Session

106. Mr. Peter W.M. Tsang reiterated LandsD’s concern as set out in paragraph 10.1.1 of the Paper that the applicant was uncooperative and did not accept LandsD’s offer of the subject STT. He would like Members to consider whether planning approval should be given to the applied use. In response to the Chairperson’s enquiry, Mr. Tsang added that if the subject planning application was approved, LandsD would take appropriate follow-up action. Should the land matters remained unresolved, LandsD would consider taking enforcement actions in this respect.

107. The Chairperson clarified that STT was a contractual agreement between the applicant and the Lands Authority, which could be reached if it was mutually accepted. It would not be appropriate to include as a planning condition the requirement to take up an offer of STT from LandsD. Members agreed to this view, and also that stronger wording

should be used in the advisory clause (b) spelling out that DLO/YL would take lease enforcement action and land control action as appropriate if the applicant failed to obtain a Short Term Waiver (STW) and STT.

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.1.2011, 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 8:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no stacking of containers was allowed on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/370 should be maintained at all times during the planning approval period;
- (e) 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 18.7.2008;
- (f) 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 18.7.2008;
- (g) in relation to (f) 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 18.10.2008;

- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.7.2008;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.7.2008;
- (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 any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the above 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 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.

109. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments in paragraph 10.1.1 of the Paper, in particular the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. If the applicant failed to obtain a Short Term Waiver and a Short Term Tenancy, his office would take lease enforcement action and land control action as appropriate;

- (c) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road and that the applicant should not be entitled for any compensation thereof; and that the road level of Ping Ha Road might be raised after the proposed improvement works, the applicant should be required to carry out necessary modification works at his own expense in future to tie in the interface with the said project;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection; and
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-KTN/287 Renewal of Planning Approval for Temporary "Open Storage of Construction Materials and Machinery" Use for a Period of 3 Years in "Undetermined" zone, Lots 202RP(Part) and 203RP(Part) in DD 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/287)
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Presentation and Question Sessions

- 110. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials and machinery use for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising concern that the operator of the site had been using part of his land for vehicular access; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12.1 of the Paper. On the public commenter's concern, an advisory clause (d) was included to remind the applicant to check the land status and the management and maintenance responsibility of the proposed vehicular access between the site and Kam Tin Road.

111. Members had no question on the application.

Deliberation Session

112. Members considered that the use under application could be tolerated for two years.

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 19.1.2010, 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 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, composing and other workshop activities, as proposed by the applicant, were allowed on site at any time during the planning approval period;
- (d) no maintenance, repairing, washing and paint spraying activities were allowed on site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the existing trees and landscape planting within the vicinity of the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under previous application No. A/YL-KTN/267 should be maintained at all times during the planning approval period;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) 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.

114. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with concerned

owner(s) of the application site;

- (b) that a shorter approval of two years was imposed so as to monitor the situation;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structures were allowed to be erected without prior approval from his office. The applicant should apply for Short Term Waiver (STW) for the use of the proposed purpose. He also advises that the site was accessible by informal track from Kam Tin Road which ran through open Government land. The track on Government land was without maintenance works to be carried out thereon by his office. Besides, his office would not guarantee right-of-way to any proposed STW even if the subsequent regularization proposal was approved;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the proposed vehicular access between the site and Kam Tin Road and the management and maintenance responsibility of the access leading to the site from Kam Tin Road should be checked by the applicant;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comment that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable

government water mains for connection and 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 private lots to WSD's standards; and

- (h) to note the Director of Electrical and Mechanical Services's comment that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site. Prior to establishing any structure within the site, the applicant and his contractors should consult CLPP in respect of the safety clearances required for activities near the low voltage overhead lines. In the circumstance that the safety clearances of the concerned supply cables were insufficient or electrical danger might arise due to their proximity to the development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the overhead lines. Besides, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation was observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

[The Vice-chairman left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PH/550 Temporary Religious Institution (Assembly Hall)
for a Period of 3 Years
in "Village Type Development" zone,
Lots 2018B2(Part) and 2018C1B(Part) in DD 111,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/550)
-

Presentation and Question Sessions

115. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary religious institution (assembly hall) for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period objecting strongly on grounds of possible conflicts with locals, nuisances and security; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed development was not in line with the planning intention of “Village Type Development” (“V”) zone which was primarily intended for development of Small Houses by indigenous villagers. The previous approval (Application No. A/YL-PH/481) for the same use was given for a period up to 31.3.2007 on an exceptional basis which was to tally with the tenancy contract and to allow time for the applicant who undertook to relocate elsewhere. However, the application was revoked due to non-compliance with approval conditions. The applicant's tenancy agreement with the landowner was extended to 31.3.2010 and the current application was for a temporary approval of 3 years. There was insufficient information to demonstrate that the applicant had made genuine efforts to comply with the approval conditions or to relocate the assembly hall elsewhere. No technical submissions had been submitted and insufficient information was provided to demonstrate that the development would not have adverse drainage impact. There were public comments objecting strongly on possible conflicts with locals, nuisances and security grounds.

[The Vice-chairman returned to join the meeting at this point.]

116. Members had a discussion on the suitability of the site for the development and the Government policy related to religious use in general. Their comments were summarised below :

- (a) the application site fell within an area zoned “V”. Land in “V” zone was reserved for Small House development by indigenous villagers and should therefore not be taken up by a religious use not related to the villagers;
- (b) harmony with the local community would be an important consideration in locating such religious uses;
- (c) the latest previous application was revoked due to non-compliance with planning conditions. The applicant had not shown effort in fulfilling the conditions nor in identifying a suitable site for relocation; and
- (d) noting that the application site was the subject of five previous applications, a question was raised on whether the Government had any policy on religious uses for different nationalities.

117. In response to the last point raised above, the Chairperson advised that the Home Affairs Bureau (HAB) had not given policy support for the subject assembly hall as the applicant was not a registered charity or religious institution. As such, the Government could not assist in searching a suitable site for the assembly hall. Nevertheless, the concern could be relayed to HAB.

Deliberation Session

118. The Secretary provided Members a more detailed background to the application. The application site was the subject of a long history for application for assembly hall use by the same applicant and thorough deliberation had been given by Members in considering the previous applications. Since the site fell within “V” zone, the villagers objected strongly all along. The latest previous application (Application No. A/YL-PH/481) was approved on a temporary basis to allow time to enable the relocation of this assembly hall elsewhere. However, the approval conditions were not complied with and the application was revoked.

The issue of whether policy support could be given by HAB such that PlanD could assist to carry out a site search had been thoroughly discussed before. Nevertheless, HAB could not give policy support as the applicant was not a registered charitable organisation or religious institution. In fact, the applicant could search for a suitable property in the market and if such premises fell within a “Government, Institution or Community” zone, there would be no need to apply for planning application or rezoning.

119. Members agreed that the application should be rejected as it was not compatible with the planning intention of “V” zone and adequate time had been given to the applicant for relocation. The Secretariat would convey Members’ concern on the Government’s policy on support for religious uses to HAB for their consideration.

120. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan, which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (b) there was no information to demonstrate that the development would have no adverse drainage impact on the surrounding areas.

[Anna S.Y. Kwong left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TT/221 Temporary Outdoor Mini Motorcycle Ground with Ancillary Barbecue Area for a Period of 3 Years in “Agriculture” zone, Lots 1811(Part), 1812(Part), 1813, 1814(Part) and 1815A-D&E-J(Part) in DD 117 and Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/221)
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121. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for this application, and he had tendered apologies for not attending the meeting.

Presentation and Question Sessions

122. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary outdoor mini motorcycle ground with ancillary barbecue area for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view. The Director of Environmental Protection (DEP) raised environmental concern that the proposed activities, including mini motorcycle playing and barbecue, are potential noise emitters causing noise nuisance to nearby noise sensitive receivers located within 100m of the site boundary. The noise impact and nuisance from all activities within the site were not technically assessed and there was insufficient information in the submission to justify that the proposed use would not cause adverse noise impact and nuisance to nearby noise sensitive receivers. Two environmental complaints on air and noise nuisance from the proposed use were received against the site in April 2007 and October 2007.

The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider if the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas;

- (d) one public comment was received from a Yuen Long District Council member during the statutory publication period raising objection on grounds of incompatible with the planned use and adverse environmental impact; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11.1 of the Paper. The development was not in line with the planning intention of “Agriculture” zone and no strong justification had been given for a departure from the planning intention, even on a temporary basis. It was not compatible with the surrounding rural and residential environment. DEP did not support the application due to noise nuisance. There was insufficient information to justify that the proposed use would not cause adverse noise impact and nuisance to the nearby noise sensitive receivers. DAFC did not favour the application and AC for T/NT raised concern on cumulative traffic impact. Approval of the application would set an undesirable precedent for other similar uses to proliferate in this “AGR” zone.

123. Members had no question on the application.

Deliberation Session

124. Members considered that the proposed use, which was not in line with the planning intention of the “AGR” zone and would generate noise nuisance and complaints, should be rejected.

125. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and traffic impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in this “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-TYST/372 Renewal of Planning Approval for Temporary Open Storage of Construction Materials Use for a Period of 2 Years in “Undetermined” zone, Lots 2362(Part), 2363(Part), 2364, 2365(Part), 2370, 2371 and 2372(Part) in DD 120, Tin Lung Tsuen, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/372)
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Presentation and Question Sessions

126. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction

materials use for a period of 2 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) one public comment from the Village Representatives (VRs) and villagers of Lung Tin Tsuen was received during the statutory publication period objecting on traffic and environmental grounds, and one local objection from VRs of Ma Tin was received by the District Officer objecting on grounds of adverse effects on the environment, hygiene and health of nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The application was a renewal application for permission to continue the use approved under previous application (No. A/YL-TYST/294). There had been no major change in planning circumstances since the last approval and all the approval conditions had been complied with. The application was generally in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The application would not frustrate the long-term use of the "Undetermined" zone. The applied use would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP. DEP's concern could be addressed through the inclusion of approval conditions on operation hours, prohibition of workshop activities on site and the suggested advisory clause on the need to follow "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any possible environmental impacts. Although public

and local objections were received, concerned Government departments had no adverse comments on traffic ground. The villages where the objectors were from were about 400m and 550m away from the site.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 20.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (b) no night-time operation between 5:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays was allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the landscape planting on the site should be maintained at all times during the planning approval period including the replacement of dead trees;
- (f) the provision a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2008;
- (g) 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;

- (h) if the above planning condition (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.

129. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorised structures including converted containers were erected on the site. In this connection, his office reserved the right to take enforcement action against these irregularities. The vehicular access from Kung Um Road leading to the site ran through various private lots and Government land without particular maintenance works to be carried out thereon. The applicant should be reminded to apply for Short Term Waiver (STW) to regularise the irregularities. Should no STW application be received and the irregularities persist on site, his office would consider taking appropriate enforcement action against the registered owners;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (h) to note the Director of Electrical and Mechanical Services's comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the low voltage overhead lines as well as the low voltage underground cables away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his

contractors when carrying out works in the vicinity of the electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-TYST/373 Renewal of Planning Approval for Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal Uses for a Period of 3 Years in “Undetermined” zone, Lots 1455 to 1457, 1460 to 1462, 1463A, 1463B, 1463B1, 1464 to 1466, 1468, 1471(Part), 1472B, 1477RP, 1478, 1479(Part) and 1480 in DD 119, Lots 1683(Part) and 1684(Part) in DD 121, and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/373)
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[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-TYST/374 Temporary Open Storage of Building/Recycling Materials and Construction Machinery for a Period of 3 Years in “Undetermined” zone, Lots 2720RP(Part), 2722RP, 2723, 2724(Part), 2725 to 2732, 2734(Part), 2735, 2736(Part), 2737(Part) and 2738(Part) in DD 120 and Lots 1678RP, 1679RP, 1681RP, 1682, 1683(Part), 1684(Part) and 1685 to 1693 in DD 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/374)
-

130. Noting that the two applications were similar in nature and the application sites were adjoining to each other, Members agreed to consider the two applications together.

Presentation and Question Sessions

131. Miss Paulina Y.L. Kwan, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) renewal of planning approval for temporary vehicle repair workshop and open storage of scrap metal uses for a period of 3 years (Application No. A/YL-TYST/373) and temporary open storage of building/recycling materials and construction machinery for a period of 3 years (Application No. A/YL-TYST/374);
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive receivers in the vicinity of the sites and environmental nuisances were expected. Application No. A/YL-TYST/374 was involved in one air pollution complaint. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) for both applications, one public comment was received during the statutory publication period from the Village Representatives (VRs) and villagers of Lung Tin Tsuen objecting mainly on traffic and environmental grounds and one local objection was received by the District Officer from the VRs of Tin Liu and Ma Tin on grounds of adverse effects on the environment, hygiene and health of nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applications could be tolerated for reasons as detailed in paragraph 12.2 of the Papers. The applications were generally in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The applications would not frustrate the long-term use of the "Undetermined" zone. Previous approvals (No. A/YL-TYST/267 and 268 respectively) had been given, and there had been no major change in planning circumstances since the last approvals and all the approval conditions had been complied with. The applied uses would unlikely have significant adverse impacts on the surrounding areas. Concerned Government departments had no objection, except DEP.

DEP's concern could be addressed through the inclusion of approval conditions on operation hours, prohibition of workshop activities and storage and processing of electronic wastes on site and the suggested advisory clause on the need to follow "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any possible environmental impacts. Although public and local objections were received for both applications, concerned Government departments had no adverse comments. The villages where the objectors were from were about 700m to 900m away from the site. As the area of Application No. A/YL-TYST/374 had been increased with extra lots contiguous to the adjacent "Village Type Development" ("V") zone and one air pollution complaint was received, a shorter approval period of 1 year was recommended so as to monitor the development on site.

132. Members had no question on the applications.

Deliberation Session

133. In response to a Member's enquiry for the reasons why the operation hours for the two applications were different despite being located near each other, Miss Paulina Y.L. Kwan advised that the approval condition on operation hours for each application was based on that proposed by the applicants.

134. The same Member noted that the site of Application No. A/YL-TYST/374 was closer to the "V" zone than that of Application No. A/YL-TYST/373, but the suggested operation hours from 7a.m. to 7p.m. were less restrictive than the latter which were from 9a.m. to 6p.m.. This Member considered that the operation hours for the two applications should be the same. Other Members agreed.

135. After deliberation, the Committee decided to approve Application No. A/YL-TYST/373 on a temporary basis for a period of 3 years until 18.1.2011, 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. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the set back of the application site boundary to allow a free public access to the existing footpath;
- (c) the landscape planting on the site should be maintained at all times during the planning approval period including the replacement of dead trees;
- (d) the existing drainage facilities on 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 18.7.2008;
- (f) in relation to (e) 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 18.10.2008;
- (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.

136. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorised structures including converted containers were erected on the site. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. In respect of the site, those structures covered by Permit No. MNT 19095 were demolished and converted to other purposes. His office would cancel the Permit in due course. The vehicular access from Kung Um Road leading to the site ran through Government land without particular maintenance works to be carried out thereon. The applicant should apply Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (d) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (e) to note the Director of Fire Services's comments that detailed fire safety

requirements would be formulated upon receipt of formal submission of general building plans. It was noted that the site was proposed to be used for vehicle repair workshop in which activities involving storage/use of Dangerous Goods were likely. As such, the applicant/operator of the site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation 19(3) during plan submission stage; and
- (g) to note the Director of Electrical and Mechanical Services's comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the low voltage overhead lines as well as the low voltage underground cables away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

137. After deliberation, the Committee decided to approve the Application No. A/YL-TYST/374 on a temporary basis for a period of 1 year up to 18.1.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no electrical appliances, television or computer monitors or parts were allowed to be stored on the site;
- (b) no dismantling or workshop activities were allowed to be carried out at the site at any time during the planning approval period;
- (c) no night-time operation between 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) 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 18.4.2008;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2008;
- (f) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2008;
- (g) in relation to (f) above, the implementation 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 18.7.2008;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2008;
- (i) in relation to (h) above, the implementation 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 18.7.2008;
- (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;

- (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; and
- (l) 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.

138. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period was granted so as to monitor the development on site;
- (b) to resolve any land issues relating to the development with concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that some unauthorised structures including converted containers were erected on the site. In this connection, his office reserved the right to take enforcement action against these irregularities. Furthermore, the existing occupation area was found to be different with that under application. As such, the applicant should clarify this discrepancy. The vehicular access from Kung Um Road leading to the site ran through various private lots and government land without particular maintenance works to be carried out thereon. The applicant should apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owner;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified and relevant lands and maintenance authorities should be consulted accordingly;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (f) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. It was noted that the site was proposed to be used for storage of recycling materials in which Dangerous Goods licence might be required for the storage of substances/material in excess of exempted quantity should it be classified as Dangerous Goods within the meaning of Cap. 295, Dangerous Goods Ordinance. As such, the applicant/operator of the site was advised to approach his Dangerous Goods Division for advice on licensing of the premises for the above purpose where necessary;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance

with the Buildings Ordinance. Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (i) to note the Director of Electrical and Mechanical Services's comments that prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited to divert the low voltage overhead lines as well as the low voltage underground cables away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (j) to note the Director of Food and Environmental Hygiene's (DFEH) comments that the applicant should ensure the operation of the trade would not cause environmental nuisances and all the wastes generated from the trade should be disposed of properly at the cost of the uses and not be dumped at any of DFEH's refuse collection facilities.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-TYST/375 Proposed Temporary Agricultural Use (Mushroom Shed and Greenhouse) with Ancillary Domestic Structure for a Period of 3 Years in "Undetermined" zone, Lot 1490RP in DD 119, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/375)
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Presentation and Question Sessions

139. Miss Paulina Y.L. Kwan, STP/TMYL, referred Members to the replacement page 8 which had been faxed to them and tabled at the meeting. The replacement page was related to the comments from the District Officer/Yuen Long. She went on to present the

application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary agricultural use (mushroom shed and greenhouse) with ancillary domestic structure for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. One local view was received by the District Officer from the Village Representatives of Ma Tin Village who reiterated that the relevant department should take their concern on the traffic flow on Kung Um Road into consideration so that the adverse effects imposed would be kept to a minimum; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper.

140. Members had no question on the application.

Deliberation Session

141. Members considered that the temporary agricultural use acceptable.

142. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of vehicular run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.7.2008;

- (b) in relation to (a) above, the provision of vehicular run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.10.2008;
- (c) 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 18.7.2008;
- (d) in relation to (c) 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 18.10.2008;
- (e) 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 18.7.2008;
- (f) in relation to (e) 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 18.10.2008;
- (g) 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 18.7.2008;
- (h) in relation to (g) above, the provision 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 18.10.2008;
- (i) if any of the above planning conditions (a), (b), (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 on the same date be revoked without further notice; and

- (j) 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.

143. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before erecting any new structures on the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that repair/renovation works to some of the structures held under the Letter of Approval (L of A) were found to be carried out and some unauthorised structures were found erected on the site. His office reserved the right to take enforcement action against these irregularities. The applicant was reminded to apply for Short Term Waiver (STW) or L of A as appropriate to regularise the irregularities. Should no STW/L of A application be received and the irregularities persist on site, his office would consider taking appropriate enforcement action against the registered owner;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments 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 and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the vehicular run-in to be constructed at the access point should be in accordance with the latest version of HyD

Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath, and his office did not maintain the land between the site and Kung Um Road;

- (f) to 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;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that information, such as channel or drain pipe size, gradient and connection to the existing drainage system, etc., should be shown on the drainage proposal to be submitted;
- (h) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The emergency vehicular access (EVA) provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulation 41D;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance. However, the granting of planning approval should not be construed as condoning any unauthorised structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance was required. If the site does not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (j) to note the Director of Food and Environmental Hygiene's comments that

the applicant should ensure that the operation of the site would not cause environmental nuisance and all the wastes generated from the site should be disposed of properly at the cost of the user and not be dumped at any of his refuse collection facilities; and

- (k) to note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site. 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 electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-TYST/376 Temporary Warehouse and Open Storage of Building Materials and Miscellaneous Goods for a Period of 3 Years in "Undetermined" zone, Lots 745(Part), 747(Part), 748, 749, 750(Part), 752(Part), 753(Part), 754, 758, 759, 760B, 761-763, 764A, 764B(Part), 793-798 and 804RP in DD 117 and Adjoining Government Land, Kung Um Road, Yuen Long (RNTPC Paper No. A/YL-TYST/376)
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144. The Secretary reported that Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with the consultant for this application, and he had tendered apologies for not attending the meeting.

Presentation and Question Sessions

145. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse and open storage of building materials and miscellaneous goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the immediate south and in the vicinity of the site and environmental nuisance was expected. Other Government departments consulted had no objection or no adverse comments on the application;
- (d) two public comments were received during the statutory publication period, one raising objection and the other concern on adverse environmental and traffic impacts. One local objection was received by the District Officer from the Village Representatives of Ma Tin Tsuen on grounds of adverse public security, traffic, environmental, hygiene and ecological impacts; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13D for 'Application for Open Storage and Port Back-up Uses' in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The application would not frustrate the long-term use of the "Undetermined" zone. The applied use would unlikely have significant adverse impacts on the surrounding areas which comprised open storage yards, warehouse, workshop, residential structures, vacant land and unused land. Concerned Government departments had no objection, except DEP. DEP's concern could be addressed through the inclusion of approval conditions on operation hours, prohibition of workshop activities and storage and processing of electronic wastes on site and the suggested advisory clause on the need to follow "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to

minimise any possible environmental impacts. Although public comments raising objection and a local objection were received, concerned Government departments had no adverse comments and approval conditions restricting activities on site had been imposed.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.1.2011, 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., 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 plastic waste, electronic waste and used electrical appliances were allowed to be stored or processed on the application site at any time during the planning approval period;
- (d) no dismantling or workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the site at any time during the planning approval period;
- (f) the boundary fence on the application site should be maintained at any time during the planning approval period;

- (g) the landscape planting on the application site, including the replacement of dead trees, should be maintained at all times during the planning approval period;
- (h) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.4.2008;
- (i) in relation to (h) above, the implementation of 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 18.7.2008;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.4.2008;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.7.2008;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (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.

148. The Committee agreed that the applicant would be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission.

149. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use on the application site;
- (b) shorter compliance periods were imposed so as to monitor the fulfilment of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement/control action against the unauthorised structures including converted containers erected on the site and occupation of Government land. The applicant was also reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments 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 and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways

Department's comments that his department did not maintain the land between the site and Kung Um Road beyond the footpath;

- (g) to 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;
- (h) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) to consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding licensing of the premises for storage/use of dangerous goods;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance. However, the granting of planning approval should not be construed as condoning any unauthorised structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance was required. If the site does not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (k) to note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) and low voltage overhead lines and high voltage (11kV) and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP to divert the

- (d) one public comment was received during the statutory publication period raising objection on adverse environmental and traffic impacts as well as disturbing the tranquillity of the rural residential area. One local objection was received by the District Officer from the Village Representatives of Ma Tin Tsuen on grounds of adverse public security, traffic, environmental, hygiene and ecological grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of the Paper. The application was a renewal application to continue the use approved under the previous approval (Application No. A/YL-TYST/344). There had been no major change in planning circumstances since the last approval and all planning conditions had been complied with. The application would not frustrate the long-term use of the “Residential (Group C)” zone. The applied use was not incompatible with and would unlikely have significant adverse impacts on the surrounding areas which comprised open storage yards, warehouses and workshops. Concerned Government departments had no objection, except DEP. DEP's concern could be addressed through the inclusion of approval conditions on restricting the activities and operation hours on site and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although public and local objections were received, concerned Government departments had no adverse comments and approval conditions restricting activities and operation hours on site had been imposed.

152. Members had no question on the application.

Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.2.2011, 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., 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 dismantling, packing, unpacking/re-packing, open storage or workshop activities should be carried out at the application site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the site at any time during the planning approval period;
- (e) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the 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 18.7.2008;
- (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 18.10.2008;
- (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 18.7.2008;
- (j) in relation to (i) 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 18.10.2008;

- (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.

154. The Committee agreed that the applicant would be reminded that the permission was given to the use under application, i.e. warehouse for storage of building materials. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission.

155. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorised structures including converted containers erected on the site. Moreover, the applicant should clarify the discrepancy why the existing occupation area was different from that under application. The applicant was also reminded to apply for Short Term Waiver (STW) to regularise the irregularities. Should no STW application be received and the irregularities persist on site, his office would consider taking

appropriate enforcement action against the registered owner;

- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments 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 and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department did not maintain the vehicular access track between the site and Kung Um Road;
- (e) to 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;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning any structures existing on the site under the Buildings Ordinance 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 structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, its development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (g) to note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development,

the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (i) to note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage and high voltage overhead lines within the site. 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 electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage and high voltage overhead lines away from the vicinity of the proposed development.

[The Chairperson thanked Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Miss Paulina Y.L. Kwan, STPs/TMYL, for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 8

Any Other Business

156. There being no other business, the meeting was closed at 5:25p.m..