

TOWN PLANNING BOARD

**Minutes of 386th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 19.12.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. Y.M. Lee

Assistant Director (Environmental Assessment),
Environmental Protection Department
Ms. Shirley Lee

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

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 385th RNTPC Meeting held on 5.12.2008

[Open Meeting]

1. The draft minutes of the 385th RNTPC meeting held on 5.12.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Judicial Review Relating to

Wan Chai North and North Point Outline Zoning Plans

2. The Secretary reported that the judicial review (JR) lodged by Fook Lee Holdings Ltd. (Fook Lee) in respect of the Town Planning Board's decisions on the further objection to the draft Wan Chai North Outline Zoning Plan (OZP) No. S/H25/1 and the representation relating to the draft North Point OZP No. S/H8/21 made by Fook Lee were withdrawn on 17.12.2008 with the Court's approval. The Court had also ordered that the interim stay of the two OZPs be uplifted. Under such circumstances, the two OZPs would be submitted to the Chief Executive in Council for approval under section 8 of the Town Planning Ordinance.

Sai Kung and Islands District

[Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/4 Proposed Field Study/Education Centre
 in “Green Belt” and “Coastal Protection Area” zones,
 Eastern Slope of Finger Hill,
 Peng Chau

 (RNTPC Paper No. A/I-PC/4)

Presentation and Question Sessions

3. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed field study/education centre, but the applicant had not provided any details in relation to gross floor area, plot ratio, site coverage, height and layout for the proposed use;

- (c) departmental comments – the District Lands Officer/Islands advised that a portion of the application site was subject to Government Land Permit No. C0532 for ‘cultivation and accommodation’ purposes, and no land use proposal should affect this Land Permit and any of the existing graves. Moreover, the Wave Media Limited (WML), granted with a Sound Broadcasting Licence for 12 years commencing from 11.11.2008, had applied for a short term tenancy (STT) to erect an AM Transmitter at Peng Chau. Portion of the application site overlapped with the proposed AM Transmitter. The Secretary for Commerce and Economic Development advised that the Sound Broadcasting Licence granted to WML did not specify the exact location on Peng Chau for the AM transmission station. WML had to identify the exact location of the station and submit a technical proposal and demonstrate compliance with the licence conditions;

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

- (d) a total of 641 public comments (majority in the form of standard letters from Peng Chau residents and other individual supporters) were received during the statutory publication period. The commenters supported the application mainly on the grounds that the original landscape could be maintained and environmental education could be promoted; the old and rare plants and geological features would be preserved; the site should be conserved and development or infrastructure should not be allowed; the site was an attraction for local people and visitors which would help boost the economy of Peng Chau; and increase in visitors could alleviate the pressure for ferry fare increase;
- (e) the District Officer (Islands) advised that the Chairman of Islands District Council (DC) objected to the application as the subject site was close to cliffs and would be dangerous for training and education activities; and the proposed use would cause inconvenience to graves visitors. The Chairman suggested identifying a flatter piece of land for the proposed use. He also cast doubt on the applicant's ability to provide the proposed use. The DC Member of Peng Chau had no objection to the application and pointed out that the proposed use would bring about significant increase of activities, hence the site conservation and safety of activities should be taken into account in view of its close proximity to coastal cliffs. The DC Member of Discovery Bay did not object to the application; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Green Belt” and “Coastal Protection Area” (“CPA”) zones was to conserve the natural landscape, and there was a general presumption against development. There was no information in the application on the types and location of the facilities and the kind of activities which would be provided for the development of the proposed field study/education centre. The subject site was mainly an unallocated

Government land. Apart from a Government Land Permit for ‘cultivation and accommodation’ purposes, a pavilion and some graves/urns, there was no specific use or facility within the application site. The site would allow the public to visit in its present state by walking up the existing footpath, and enjoy the natural and scenic environment of Peng Chau and the distant view of Hong Kong Island. The applicant did not provide sufficient justification to demonstrate that the proposed use was necessary to achieve the educational purpose.

4. A Member asked whether the proposed transmission station under STT CX1932 required planning permission from the Town Planning Board. Miss Erica S.M. Wong said that the proposed transmission station was only the subject of a STT application which was being processed by the Lands Department (LandsD). Noting that a large portion of the proposed STT overlapped with the application site, this Member asked for the reason of different treatment in that the proposed field study/education centre required planning permission from the Board but not the proposed transmission station. Miss Erica S.M. Wong said that, according to the covering Notes of the draft Peng Chau Outline Zoning Plan No. S/I-PC/9, temporary uses less than five years were always permitted, except for the “CPA” zone. Mr. Simon Yu of LandsD supplemented that as the application for STT was for a period of 54 months, planning permission from the Board would not be required. However, there was no information whether the proposed transmission station would be demolished after the expiry of the STT. In response to this Member’s further question, Miss Erica S.M. Wong said that the applicant had not provided any information on the facilities or activities to be provided within the application site which was quite large in area (about 1.5 ha).

[Mr. Edmund K.H. Leung arrived to join the meeting at this point.]

Deliberation Session

5. A Member raised concern on the adverse visual impact on the natural landscape caused by the proposed transmission station which included a mast of 100m high. The Chairperson said that as the proposed transmission station was not the subject of the application, Members should focus the discussion on the proposed field study/education

centre under application. Another Member opined that as there were no details provided on the proposed use, the application should not be supported.

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

- (a) the site was zoned “Green Belt” and “Coastal Protection Area” on the draft Peng Chau Outline Zoning Plan, the planning intention of which was to protect the natural landscape and there was a general presumption against development; and
- (b) there was no information in the submission on the types and the location of the facilities and the kind of activities to be provided for the development of the proposed field study/education centre.

[The Chairperson thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members’ enquiries. Miss Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Lisa L.S. Cheng and Ms. Stephanie P.H. Lai, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/377 Renewal of Planning Approval for
Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking
for a Period of 3 Years
in “Green Belt” and “Open Storage” zones,
Lots 617 S.B RP, 618 S.B RP,
622 S.B RP(Part) and 626 RP(Part) in DD 9,
Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/377)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open vehicle park with ancillary on-site vehicle checking for a period of 3 years;
- (c) departmental comments – the Chief Highway Engineer/New Territories East, Highways Department advised that the site would be in conflict with the site boundary of the “Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling” Stage 2 project. As the construction programme of the Stage 2 works was tentatively scheduled for commencement in 2010, the application was supported only up to end 2009 and subject to review thereafter. The District Lands Officer/Tai Po also did not support the renewal of planning permission for a period of 3 years as part of the application site would be required for the above road widening project. The Director of Environmental Protection (DEP) did not support the application as the temporary use involved heavy vehicular

traffic and the nearest village house of Nam Wa Po was located less than 100m to the west of the site, environmental nuisance was anticipated;

- (d) one public comment was received during the statutory publication period raising concerns on adverse traffic safety, environmental and hygiene impacts arising from heavy vehicular traffic generated by the open vehicle park;
- (e) the District Officer (Tai Po) advised that the Village Representatives of Nam Wa Po objected to the application as the open vehicle park generated adverse environmental impacts and increased the likelihood of traffic accidents in the village; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments made in paragraph 12 of the Paper. The temporary open vehicle park, 70% of which fell within the “Open Storage” zone, was not incompatible with the surrounding areas occupied by open storage uses, warehouses, container vehicle parks and drainage improvement works. Approval of the temporary use in the interim would not frustrate the long-term use. Previous approvals for the temporary use had been granted since 1993, and there had been no significant change in the planning circumstances. The concerns of DEP and the locals on traffic safety and environmental impacts could be addressed by imposing an approval condition which restricted the operation hours, and by incorporating an advisory clause related to DEP's Code of Practice to minimise potential environmental impacts. As the application site fell within the project limit for “Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling” which was scheduled to commence work in 2010, a shorter approval period up to 31.12.2009 and compliance periods were recommended.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period until 31.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) the existing vehicular access, drainage facilities, landscape planting and proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site should be maintained at all times during the planning approval period;
- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period;
- (d) the submission of water supplies for fire-fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2009;
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and 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 19.6.2009;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was not complied with by

the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (h) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a shorter approval period and compliance periods were granted as the site would be affected by Stage 2 of the “Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling” project;
- (b) resolve any land issue relating to the development with other concerned owner of the application site;
- (c) follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department;
- (d) note the Chief Engineer/Mainland North, Drainage Services Department’s comments that significant fillings or paving within the site was not allowed and routine maintenance should be carried out to ensure that the drainage facilities within the site were in good working condition;
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that the conditions in respect of upper indirect water gathering ground and those in respect of the 120m no blasting limit and the 30m WSD reserve of Tau Pass Culvert as detailed in Appendix V of the Paper should be observed;
- (f) note the Director of Fire Services’ comments that recommendations regarding the fire service installations proposal as detailed in Appendix VI of the Paper should be observed; and

- (g) note the Director of Electrical and Mechanical Services' comments that as there were low voltage and 11kV underground electricity cable in the vicinity of the site, the applicant and/or his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Items 5 and 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/378 Proposed House (New Territories Exempted House – Small House)
in "Agriculture" zone,
Lot 650 S.B ss.2 S.A in DD 9,
Yuen Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/378)

A/NE-KLH/379 Proposed House (New Territories Exempted House – Small House)
in "Agriculture" zone,
Lot 650 S.B ss.2 RP in DD 9,
Yuen Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/379)

Presentation and Question Sessions

11. Noting that the two applications were similar in nature and the application sites were close to each other and within the same "Agriculture" ("AGR") zone, Members agreed that the applications could be considered together.

12. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the

following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application site;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as the sites were located within the water gathering ground (WGG) and the discharge from the proposed Small Houses would have the potential to cause water pollution to the WGG;
- (d) for Application No. A/NE-KLH/378, four public comments (including one jointly submitted by four individuals) were received during the statutory publication period. The commenters objected to the application on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone, and it would have adverse traffic, sewerage, landscape, air ventilation and fung shui impacts on the other existing Small Houses in the vicinity of the site. For Application No. A/NE-KLH/379, three public comments were received during the statutory publication period raising objection to the application on the grounds of adverse traffic, sewerage, landscape, air ventilation and fung shui impacts on the other existing Small Houses in the vicinity of the site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The proposed developments complied with the assessment criteria for NTEH/Small House development in that the application sites were entirely within the village ‘environs’ of Yuen Leng Village; there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Yuen Leng, Kau Lung Hang San Wai and Kau Lung Hang Lo Wai Villages; and the proposed Small Houses were able to be connected to the planned sewerage system in the area. Regarding DEP’s concerns on potential water pollution to the WGG, the

Water Supplies Department and the Drainage Services Department (DSD) had no objection to the applications and the DSD had confirmed that the sewerage connection point would be provided in the vicinity of the subject sites and the proposed Small Houses could be connected to the planned sewerage system in the area. As regards the local concerns on traffic, sewerage, landscape and air ventilation impacts of the proposed developments, the sites were located at the fringe of the village proper and the possible impacts were unlikely to be significant.

13. Members had no question on the applications.

Deliberation Session

14. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 19.12.2012, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director

of Water Supplies or of the TPB.

15. The Committee also agreed to advise each applicant of the following :
- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
 - (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
 - (c) note the Director of Drainage Services' other comments in paragraph 3 of Appendix V of the Paper;
 - (d) note the Director of Water Supplies' comments that for the provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
 - (e) note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the concerned parties (i.e. the applicant and his contractors and/or site workers, etc.) should consult CLP Power Hong Kong Limited (CLPP) and if diversion of the low voltage cable in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of the electricity supply line; and

- (f) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/267 Proposed Comprehensive Residential Development
in “Comprehensive Development Area”,
“Recreation” and “Government, Institution or Community” zones
and areas shown as ‘Road’,
Various Lots in DD 92 and Adjoining Government Land,
Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/267)

16. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. The Committee noted that Mr. Cheng had tendered apologies for not attending the meeting, and considered Mr. Yap’s interest direct and should leave the meeting temporarily for the item.

[Mr. Alfred Donald Yap and Ms. Anna S.Y. Kwong left the meeting temporarily, and Mr. B.W. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

17. 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 comprehensive residential development;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the Sewerage Impact Assessment (SIA) had adopted a very conservative person per occupied flat (PPOF) value. The Director of Environmental Protection (DEP) agreed with CE/MN, DSD’s comment that the use of conservative PPOF value would result in an under-estimation of the design population. The applicant should revise the SIA based on an appropriate PPOF value and demonstrate that the public sewerage system was of sufficient capacity to accommodate the flow generated from the site;
- (d) one public comment was received during the statutory publication period indicating no comment on the application;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, concerned North District Committee member, Village Representative of Kwu Tung (South) and some villagers objected to the application mainly on environmental, traffic, infrastructural and ‘fung shui’ grounds; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The current application was similar to the previously approved scheme (Application No. A/NE-KTS/220) in terms of land uses and development intensity. There was no change in major development parameters, including plot ratio, site coverage and number of storeys. The proposed amendments to the approved scheme, including change in site boundary/site area due to setting out of site boundary at the processing of land grant and corresponding reduction in gross floor area, increase in number of houses and decrease in average house size, increase in residential car parking spaces, provision of motorcycle parking spaces,

change in the layout of internal roads and corresponding change in disposition of houses were considered acceptable. CE/MN, DSD and DEP's comments on the PPOF value adopted in the SIA was technical and could be addressed by imposing an approval condition on the submission of a revised SIA. The proposed development would not have adverse traffic, environmental and drainage impacts on the surrounding areas. There was no reduction in the provision of landscape area as compared with the previously approved scheme. No development was proposed in the orchard area and all fruit trees would be preserved by the applicant. There was a wider landscape buffer at the northern boundary of the site in the revised Master Layout Plan and the roadside barrier adjoining Fanling Highway was 8m high which was the same as the previously approved scheme. Regarding the local objections on environmental, traffic, infrastructural and 'fung-shui' grounds, it should be noted that similar concerns had already been raised in the previously approved scheme and duly considered by the Committee.

18. A Member noted that the number of houses was proposed to be increased and hence result in an increase of traffic generation, and asked whether the applicant had submitted a revised traffic impact assessment to take into account the proposed changes. Ms. Stephanie P.H. Lai said that the applicant had submitted revised assessment reports on traffic, environmental, drainage, sewerage and water supply aspects. The Assistant Commissioner for Transport/New Territories had no adverse comments on the application from traffic engineering viewpoint.

Deliberation Session

19. After deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.12.2012, 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 a revised MLP to incorporate the approval conditions (b), (c), (d), (f), (g) and (h) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape master plan, including tree preservation proposals and quarterly tree monitoring reports, to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access road, parking spaces, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the implementation of the accepted noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a revised Sewerage Impact Assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (h) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a

revised MLP for deposition in the Land Registry as soon as possible;

- (b) note the Chief Highway Engineer/New Territories East, Highways Department's comments that the proposed noise barriers which were located within the application site should be maintained by the applicant; and all utilities laid on public road should meet the minimum cover requirements as per HyDTC No. 3/90 on 'Minimum Cover Requirement for Underground Services';
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that :
 - (i) any internal streets, if required, under section 16(1)(p) of the Buildings Ordinance (BO) should be excluded from the site area for the purposes of plot ratio and site coverage (SC) calculations under Building (Planning) Regulations (B(P)R) 20 & 21;
 - (ii) the emergency vehicular access (EVA) arrangements for all the buildings on the site should comply with B(P)R 41D; and
 - (iii) recreational facilities, noise barriers and any covered areas for swimming pool, children play area and landscaped garden uses should be accountable for gross floor area and/or SC of the development unless otherwise exempted under the BO;
- (d) note the Director of Fire Services' comments that EVA arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by BD;
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) the application site was located within WSD flood pumping gathering ground associated with River Indus and River Ganges

pumping stations; and

- (ii) the developer should bear the cost of any necessary diversion works of existing water mains affected by the proposed development; and
- (f) note the Chief Engineer/Mainland North, Drainage Services Department and the Director of Environmental Protection's comments on the drainage impact assessment, sewerage impact assessment and environmental assessment at Appendix IV of the Paper.

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/312 Proposed Temporary Animal Boarding Establishment
for a Period of 5 Years
in "Agriculture" zone,
Lot 1342 RP and Taxlord Lot T14 RP(Part) in DD 82,
Ping Che Road, Fanling
(RNTPC Paper No. A/NE-TKL/312)

Presentation and Question Sessions

21. 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 animal boarding establishment for a period of 5 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application as the application site and its neighbouring abandoned land possessed high potential for agricultural rehabilitation. The Director of Environmental Protection did not support the application as there was inadequate information in the submission to demonstrate that the proposed development would not result in noise, air/odour and water quality pollution. In particular, the proposed development should not produce any additional pollution loading into the Deep Bay as a result of its activities. However, it appeared that all sewage generated would discharge into a septic tank, and eventually overflowed to the open channel nearby and hence could cause water quality pollution. While there were existing public sewerage systems serving the application site, these systems were currently overloaded. Also, as the application site was in close proximity of a nursery and elderly home, there was potential noise nuisance due to dog barking as well as air/odour impact to nearby sensitive receivers;
- (d) one public comment was received during the statutory publication period supporting the application on the ground that the proposed development would provide a caring home for abandoned animals; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the "Agriculture" zone. Insufficient information had been included in the submission to properly address the potential water quality pollution problem for the Deep Bay area and noise nuisance and air/odour impact to nearby sensitive receivers including the domestic uses, nursery and elderly home.

[Mr. Edmund K.H. Leung left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

22. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justifications had been provided in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) there was insufficient information in the submission to demonstrate that the proposed use would not generate adverse environmental impact in terms of noise, air/odour and water quality pollution on the surrounding areas.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/313 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 2047 S.A ss.1 S.A in DD 76,
Hung Leng, Fanling
(RNTPC Paper No. A/NE-TKL/313)

Presentation and Question Sessions

24. 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 (NTEH) – Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One of them indicated “no comment” on the application whereas the other objected to the application on the grounds that the application site was situated outside the village ‘environs’ (‘VE’) of Hung Leng and was not in line with the planning intention and principles for developing NTEH within their village and would set a precedent for similar applications;
- (e) the District Officer (North) advised that the Chairman of Fanling District Rural Committee, Indigenous Inhabitants Representative (IIR) and Residents’ Representatives (RR) of Hung Leng and RR of Leng Tsai objected to the application on the grounds that the application site was situated outside the ‘VE’ of Hung Leng and was not in line with the planning intention and principles for developing NTEH within their village; it would set a precedent for similar applications; and would affect the development right of indigenous villagers. IIR of Leng Tsai had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. According to the assessment criteria for NTEH/Small House development, favourable consideration could be given to the application in that, while the entire footprint of the proposed NTEH/Small House was located outside the ‘VE’ of Hung Leng Village, not less than 50% of the proposed footprint (about 87.8%) fell within the “Village Type Development” (“V”) zone and there was a general shortage of land in meeting the demand for Small House in the “V” zone of the same village. The application site had been

left abandoned and had a low potential for agricultural rehabilitation. The proposed NTEH development was not incompatible with the adjacent village setting and surrounding environment of a rural character. It would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding areas. Regarding the local objections, it was noted that there were a number of recently approved Small Houses grants by the Lands Department which were outside the 'VE' of Hung Leng.

[Mr. Edmund K.H. Leung returned to join the meeting at this point.]

25. Members had no question on the application.

Deliberation Session

26. 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 19.12.2012, 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;
- (b) the design and provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments that the application site was located within flood pumping

gathering ground; and the applicant should bear the cost of any necessary diversion works of an existing water main affected by the proposed development; and

- (b) the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/ST/674 Proposed Public Utility Installation (Micro-cell Base Station)
in “Residential (Group B)” zone,
the Public Footpath and Lamp Post No. 1809 at Mei Wo Circuit,
Sha Tin
(RNTPC Paper No. A/ST/674)

28. The Secretary reported that, subsequent to the issue of the RNTPC paper, the applicant on 16.12.2008 submitted further information (FI) to support the application. Members noted that as the FI submitted required publication for public comments, the time limit for considering the application would be recounted for a period of two months starting from the date of receipt of the FI.

29. Members agreed to defer consideration of the application accordingly.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/392 Proposed Place of Entertainment
 in “Residential (Group A)” zone,
 11/F and 12/F of Tai Po Centre Multi-storey Car Park,
 2 On Pong Road, Tai Po
 (RNTPC Paper No. A/TP/392)

30. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Alfred Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. The Committee noted that Mr. Cheng had tendered apologies for not attending the meeting, and considered Mr. Yap’s interest direct and should leave the meeting temporarily for the item.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed place of entertainment – the proposed scheme involved conversion of portions of the existing 12-storey multi-storey car park building to shops, eating places and entertainment uses on G/F, 2/F and 11/F. The new 12/F roof would be used for open-air car park. As a result of the conversion, the total provision of private car parking spaces would be reduced from 800 to 685 (-115 or 14.4%) while the number of goods vehicles parking spaces would remain unchanged at 100;
- (c) departmental comments – the District Lands Officer/Tai Po advised that

under the lease conditions, the existing multi-storey car park was required to provide 800 public parking spaces for private cars and light vans and 100 spaces for goods vehicles. The proposed conversion would breach the lease condition and a lease modification was required. The Assistant Commissioner for Transport/New Territories (AC for T/NT) had no objection to the application and considered the proposed conversion with reduction of parking spaces for private cars from 800 to 685 was acceptable and was unlikely to have significant traffic impacts;

- (d) a total of 75 and 108 public comments were received during the statutory publication periods of the application and the further information respectively. All the commenters objected to the application, except one who indicated “no objection”. The major grounds of objection were that the proposed development was undesirable in a quiet and tranquil neighbourhood, which was located right opposite to an existing secondary school; there were other areas more suitable for such development; the proposed entertainment use would have adverse influence on student’s learning environment by erecting advertisement boards and attract large crowds of people gathering around; it would cause nuisance, affect public security and lead to an increase in criminal activities; there were already sufficient entertainment facilities to meet the local demand; it would increase pedestrian and traffic flow in and around the site, and induce noise and air pollution as a result of oil emission from eating places and attraction of large crowds; bright lights and flashing neon signs would cause nuisance to the residents, and there would be fire safety and hygiene problems created by new eating places; car parking fees and rents would increase due to fewer car parking spaces; and approval of such development would lead to more redevelopments and a concentration of entertainment places in the surrounding area;
- (e) the District Officer (Tai Po) advised that the Hon. Cheng Kar-foo and the chairman of Tai Po Plaza Owners’ Corporation had no comment on the application. The Tai Po Centre Owners’ Committee raised concerns on noise, glare and fire safety problems, as well as reduction in the capacity of

car parking and traffic congestion. The principal of Carmel Pak U Secondary School and a member of Tai Po Centre Owners' Committee had raised strong objection to the application on the grounds that the car park would be turned into a "crime site" adversely affecting the daily life of nearby residents and students of the school; the advertisements of the proposed bars and restaurants would impose adverse impacts on students of the school; the proposal would induce traffic congestion, noise, glare and fire safety problems to the neighbourhood; and local residents had not been properly consulted on the proposal; and the applicant's claim that the proposal had gained support of Tai Po Centre Owners' Committee and a majority of the residents was wrong. The District Officer also received letters and telephone calls from residents of Tai Po Centre who objected to the application on grounds of possible impacts on traffic, environment and public order; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The subject car park building was physically connected with the shopping arcade of Tai Po Centre, i.e. Tai Po Mega Mall. At present, there were a variety of shops, restaurants and entertainment facilities in Tai Po Mega Mall serving not only the residents nearby, but also visitors and tourists visiting the Tai Po New Town. The proposed 'Place of Entertainment' use in the subject car park building was considered compatible with the shopping mall and other commercial uses in the area. AC for T/NT considered the conversion scheme acceptable and confirmed that it would unlikely lead to any shortage of car parking spaces. As regards the public comments on possible traffic impacts and potential nuisances affecting the neighbourhood, it was considered that the proposed development would unlikely affect public safety at large or create significant traffic and environmental impacts. For the public's concern on noise problem, the Director of Environmental Protection advised that there would only be nuisance from noise if central air-conditioning was not provided. The Commissioner of Police considered that while the subject area was a tranquil neighbourhood, it was not different from other more recently

developed part of Tai Po; whether the proposed development would have had influence on students of the nearby school would in large be attributed by the nature of uses in the application premises and the policies of school management with regard to discipline and regulation of students' behaviour; and possible nuisances attracted by commercial development would not necessarily lead to a decline in public safety and there were insufficient grounds to reject the application from this point of view.

32. In reply to the Chairperson's question, Ms. Lisa L.S. Cheng said that the proposed conversion of car parking spaces to shop, eating place and entertainment uses was not on a temporary basis, and AC for T/NT considered the proposed conversion with reduction of car parking spaces acceptable.

33. A Member noted the objection from the school principal and asked whether the Education Bureau should be consulted on the proposed entertainment use which was located opposite to the school. Ms. Lisa L.S. Cheng said that some shopping malls and commercial uses had already existed in the area for a long time which were in proximity to the school. The Chairperson remarked that the Education Bureau would unlikely have specific comment on a specific application which was not related to education policy. She pointed out that the school principal had already expressed his concerns on the application via the District Officer.

Deliberation Session

34. A Member was in sympathy with the school principal's concerns on the possible adverse influence of the proposed entertainment use on students' learning environment. Another Member said that, as far as amusement games centre was concerned, there was adequate licensing control. The Member recalled that an Amusement Games Centres Licence would not be issued if the centre was located within 100m of any school, except inside a commercial complex.

35. After further 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 19.12.2012, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the provision of vehicular access and vehicular manoeuvring space to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) apply to the District Lands Officer/Tai Po, Lands Department for a lease modification;
- (b) the proposed development should comply with the means of escape requirements set out in the 'Code of Practice for the Provision of Means of Escape in Case of Fire 1996' and the required provisions of sanitary fitments under Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrine) Regulations;
- (c) detailed fire safety requirements would be formulated upon receipt of formal application of general building plans/licensing application; and
- (d) apply to the Director of Food and Environmental Hygiene for a Places of Public Entertainment Licence.

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

Remarks

37. The Chairperson said that Agenda Item 12 would not be open for public viewing as it was in respect of a rezoning request submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

[The Chairperson thanked Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members' enquiries. Ms. Lai and Ms. Cheng left the meeting at this point.]

[Mr. B.W. Chan left the meeting and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

[Ms. Amy Y.M. Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Wilson W.S. Chan, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Ms. M.L. Leung, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 13

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TM-LTYYY/2 Application for Amendment to the
Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6
from "Residential (Group C)" and "Government, Institution or Community"
to "Comprehensive Development Area",
Various Lots in DD 130 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTYYY/2)

Presentation and Question Sessions

42. The Secretary reported that the application was submitted by a subsidiary of

Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap, having current business dealings with Henderson, had declared an interest in this item. However, the Committee noted that the applicant requested on 21.11.2008 and 5.12.2008 for a deferment of the consideration of the application to allow time to prepare further information to address comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. As a request for deferment was received from the applicant, Members agreed that Mr. Yap was allowed to remain in the meeting.

Deliberation Session

43. 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 agreed that the application should be submitted to the Committee for consideration within three 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.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/174 Temporary Vehicle Parking (Oil Tank Trailer) and Workshop
for a Period of 1 Year
in “Village Type Development” zone,
Lot 1981 RP(Part) in DD 130 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/174)

Presentation and Question Sessions

44. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle parking (oil tank trailer) and workshop for a period of 1 year;
- (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 nuisances were expected;
- (d) one public comment from a Tuen Mun District Council Member was received during the statutory publication period stating that the applicant’s attention should be drawn to the provision of safety facilities and the applied use should not adversely affect the nearby residential dwellings;
- (e) District Officer (Tuen Mun) advised that the Chairman of Tuen Mun Fortress Garden Incorporated Owners objected to the application on the grounds that the application would adversely affect the quality of the surrounding environment in Lam Tei and deteriorate its ground surface; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The development, which comprised oil tank trailers, was not compatible with the residential dwellings in its vicinity. The application would likely cause environmental nuisance to the sensitive receivers in the vicinity. There was insufficient information in the submission to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas. No similar application for parking of oil tank trailers

was previously approved in the same and nearby “V” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone.

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

45. In response to the Chairperson’s enquiry, Mr. Wilson W.S. Chan said that the occupier of the application site (i.e. the applicant) was prosecuted under section 20(7) of the Town Planning Ordinance, and was convicted and fined on 9.7.2008. Subsequently, the occupier on 23.7.2008 lodged an appeal against the magistracy’s decision. The appeal hearing date had yet to be fixed.

Deliberation Session

46. 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 “Village Type Development” (“V”) zone. There was no strong justification in the submission for a departure from such planning intention, even on temporary basis;
- (b) the development was not compatible with the residential dwellings in the surrounding areas;
- (c) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) no similar application for parking of oil tank trailers was previously approved in the same and nearby “V” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation

of the environment of the area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/175 Temporary Iron Workshop and Storage
for a Period of 3 Years
in “Green Belt” zone,
Lot 860 RP(Part) in DD 130 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/175)

Presentation and Question Sessions

47. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary iron workshop and storage for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected;
- (d) four public comments were received during the statutory publication period. One of the commenters supported the application while the other three objected to the application on environmental grounds that the proposed development would have adverse noise impacts, odour nuisance, adverse traffic impacts, incompatibility with the existing and future residential developments and was not in line with the planning intention of “Green Belt” (“GB”) zone; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “GB” zone. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The development was incompatible with the surroundings in environmental terms in that residential dwellings were located in the close vicinity of the site. The site was in an area where no public stormwater drainage connection was available. There was no information in the submission to demonstrate that the applied use would not create adverse drainage impact on the surrounding areas. No similar application was previously approved in the same and nearby “GB” zones. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effect of which would result in a general degradation of the environment.

48. Members had no question on the application.

Deliberation Session

49. 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 “Green Belt” (“GB”) zone. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not compatible with the surrounding areas and the residential dwellings in the close vicinity;
- (c) there was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the

surrounding areas; and

- (d) no similar application was previously approved in the “GB” zone. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the surrounding areas.

[The Chairperson thanked Mr. Wilson W.S. Chan, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Chan left the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/584 Temporary Open Storage of Construction Materials
and Construction Machinery, and Logistics Vehicles Back-up Centre
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 3173 S.B, 3173 S.C, 3175, 3176, 3178(Part),
3184(Part), 3185 and 3187 RP(Part) in DD 129,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/584)

Presentation and Question Sessions

50. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and construction machinery, and logistics vehicles back-up centre 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 along the access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” zone since there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. The applied use was not incompatible with the surrounding uses, which were predominantly occupied by vehicle parks and open storage yards. Regarding DEP’s concerns, approval conditions restricting the operation hours and storage of materials on site would be imposed to mitigate any potential environmental impacts. Due to demand for open storage uses in the area, there were a number of similar applications recently approved surrounding the site for various temporary open storage/port back-up uses. The Committee had also approved the previous application No. A/YL-HT/464 for the same use at the same site.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.12.2011, 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. to 7:00 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 open storage of containers was allowed on the site during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the setting back of the site from the works limit of the Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”;
- (f) the existing trees on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/464 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/464 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;
- (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 19.6.2009;
- (j) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the

TPB by 19.6.2009;

- (k) in relation to (j) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (l) the construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (m) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;
- (n) in relation to (m) 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 19.9.2009;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) prior planning permission should have been obtained before continuing the development on site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (e) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; the discrepancy between the existing occupation area and that under application should be clarified; and application for Short Term Waiver should be made to regularize any unauthorized structures on site, otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme; and that the site access ran through the works limit for the widening of Ping Ha Road, and his Office reserved the right to take control action against the unauthorised occupation of Government land;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be

taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and Authorized Person should be appointed to coordinate all building works;

- (g) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion by end 2010, and the applicant should not be entitled for any compensation thereof; the run-in would also be used for access to/from the adjoining Lot 3174 RP in DD 129; and as the road level of Ping Ha Road would be raised after the proposed improvement works, the applicant might be required to carry out necessary modification works including modification at the existing access route to/from the site at his own expense in future to tie in the interface with the said project;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out at the access point should be constructed in accordance with the latest version of Highways Standard Drawing Nos. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the pavement of the adjacent areas;
- (i) note the Assistant Commissioner for Transport/New Territories' comments that the land status of the 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 access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (j) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval, and reference should be made to

the requirements as stated in Appendix V of the Paper in formulating the FSIs proposal.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/585 Renewal of Planning Approval for
Temporary Open Storage of Scrap Metals
under Application No. A/YL-HT/463 for a Period of 3 Years
in “Open Space” zone,
Lots 480 S.A RP(Part), 485(Part), 486(Part),
487 S.A(Part), 487 S.B(Part) and 488(Part) in DD 124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/585)

Presentation and Question Sessions

54. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of scrap metals under Application No. A/YL-HT/463 for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as some unauthorized structures including converted containers were erected on the site without approval from his Office and the applicant had not submitted any application for Short Term Waiver (STW) to regularize the unauthorized structures since the previous application No. A/YL-HT/463 was approved. Also, the existing occupation area was different from that under application. In particular, it

had extended quite substantially from the application site onto some adjacent private land of Lots 498, 499, 500, 504 RP, 505 and 506 in DD 124, and some unauthorized structures including converted containers were found thereon;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Open Space” zone since there was no immediate development proposal for the site. The site had been the subject of previous planning approvals since 1999. The Director of Environmental Protection had no objection to the application. To mitigate any potential environmental nuisance to sensitive receivers, approval conditions restricting the operation hours, the types of activity, and the stacking height and types of materials stored on site would be imposed. The development was in line with the Town Planning Board Guidelines No. 13E in that no adverse comment was received from concerned Government departments. With regard to DLO/YL's concern on the applicant's failure to apply for regularization of unauthorized structures on site, the applicant would be reminded again under the existing permission of Application No. A/YL-HT/463 as well as the renewed planning permission to apply for STW to regularize the unauthorized structures on site. Due to demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications for temporary open storage and port back-up uses. Besides, there was no local objection against the application.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.12.2011, 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 operation on Sundays and public holidays 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 (including loading, unloading and storage) of electronic waste should be carried out on the site at any time during the planning approval period;
- (e) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the existing trees on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/463 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/463 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;

- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;
- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (k) the construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (l) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;
- (m) in relation to (l) 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 19.9.2009;
- (n) 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 19.6.2009;
- (o) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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

- (q) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department;
- (d) note the District Lands Officer/Yuen Long’s comments that the site situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; the discrepancy between the existing occupation area and that under application should be clarified; and application for Short Term Waiver should be made to regularize the unauthorized structures on site. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be

taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and Authorised Person should be appointed to coordinate all building works;

- (f) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the applicant should resolve any land matter (such as private lots) associated with the provision of water supply to the premises under application and be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run in/out at the access point should be constructed in accordance with the latest version of Highways Standard Drawing Nos. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the pavement of the adjacent areas;
- (h) note the Assistant Commissioner for Transport/New Territories' comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (i) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval, and reference should be made to the requirements as stated in Appendix V of the Paper in formulating the FSIs proposal; and
- (j) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the root zone area beneath the tree crown, which was covered with scrap and waste materials, should be tidied up.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/586 Temporary Open Storage of Scrap Metals with Ancillary Workshop
for a Period of 3 Years
in “Open Space” zone,
Lots 480 S.A RP(Part), 480 RP(Part), 481,
483(Part), 484(Part) and 485(Part) in DD 124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/586)

Presentation and Question Sessions

58. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of scrap metals with ancillary 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 access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Open

Space” (“O”) zone since there was no immediate development proposal for the site. The site was the subject of previous planning approvals. The applied use was not incompatible with the surrounding open storage uses. Regarding DEP’s concern on environmental nuisance to sensitive receivers, approval conditions restricting the operation hours and the stacking height of materials stored on site would be imposed to mitigate any potential environmental impacts. The development was in line with the Town Planning Board Guidelines No. 13E in that no adverse comment was received from concerned Government departments. Due to demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications for temporary open storage and port back-up uses in the subject “O” zone.

59. Members had no question on the application.

Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.12.2011, 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 operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;

- (e) 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 19.6.2009;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2009;
- (g) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;
- (h) in relation to (g) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (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 19.6.2009;
- (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 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.

61. The Committee also agreed to advise the applicant of the following :
- (a) planning permission should have been renewed before continuing the applied use on the site;
 - (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
 - (c) resolve any land issue relating to the development with the concerned owner(s) of the application site;
 - (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
 - (e) note the District Lands Officer/Yuen Long's comments that the site situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and application for Short Term Waiver should be made to regularize the unauthorized structures on site. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
 - (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and Authorised Person should be appointed to coordinate all

building works;

- (g) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the applicant should resolve any land matter (such as private lots) associated with the provision of water supply to the premises under application and be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run in/out at the access point should be constructed in accordance with the latest version of Highways Standard Drawing Nos. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the pavement of the adjacent areas;
- (i) note the Assistant Commissioner for Transport/New Territories' comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (j) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval, and reference should be made to the requirements as stated in Appendix V of the Paper in formulating the FSIs proposal; and
- (k) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the root zone area beneath the tree crown, which was covered with scrap and waste materials, should be tidied up.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/587 Temporary Public Vehicle Park for
Private Cars, Light and Heavy Goods Vehicles
and Container Tractors/Trailers for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 805 S.B RP, 807 RP, 808 RP, 809 RP,
815 and 816 S.B RP in DD 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/587)

Presentation and Question Sessions

62. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars, light and heavy goods vehicles and container tractors/trailers 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 along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in

paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Comprehensive Development Area” (“CDA”) zone since there was not yet any programme/known intention to implement this zoned use. The applied use was not incompatible with the surrounding uses which were predominantly occupied by vehicle parks and open storage yards. Regarding DEP’s concern on environmental nuisance to sensitive receivers, approval conditions restricting the operation hours and types of activity on site would be imposed to mitigate any potential environmental impacts. No adverse comment on the application was received from concerned Government departments. Due to demand for open storage uses in the area, the Committee had recently approved a number of similar applications within the same “CDA” zone for various temporary open storage/port back-up uses, as well as the previous application No. A/YL-HT/464 for the same use on the same site.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.12.2011, 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 operation on Sundays and public holidays 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 loading/unloading of goods was allowed on the site at any time during

the planning approval period;

- (e) no vehicle without valid licence/registration was allowed to be parked on the site at any time during the planning approval period;
- (f) the existing trees on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/422 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/422 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;
- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;
- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (k) the construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (l) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2009;

- (m) in relation to (l) 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 19.9.2009;
- (n) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.6.2009;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) planning permission should have been renewed before continuing the development on site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (e) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; the discrepancy between the existing occupation area and that under application should be clarified; and application for Short Term Waiver should be made to regularize any unauthorized structures on site. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and Authorized Person should be appointed to coordinate all building works;
- (g) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion by end 2010, and the applicant should not be entitled for any compensation thereof; that as the road level of Ping Ha Road would be raised after the proposed improvement works, the applicant might be required to carry out necessary modification works including modification at the existing access route

to/from the site at his own expense in future to tie in the interface with the said project; and Drainage Services Department's agreement should be sought for the proposed discharge of surface runoff into the adjacent open channel;

- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out at the access point should be constructed in accordance with the latest version of Highways Standard Drawing Nos. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the adjacent pavement condition;
- (i) note the Assistant Commissioner for Transport/ New Territories' comments that the land status of the 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 access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (j) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval, and reference should be made to the requirements as stated in Appendix V of the Paper in formulating the FSIs proposal.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/186 Temporary Open Storage of Construction Materials
(Plastic and Scrap Metal) for a Period of 3 Years
in “Residential (Group E)” and “Recreation” zones,
Lots 2219 RP(Part) and 2226(Part) in DD 129
and Adjoining Government Land,
Deep Bay Road, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/186)

Presentation and Question Sessions

66. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials (plastic and scrap metal) 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 along the access road (Deep Bay Road) and environmental nuisance was expected. The District Lands Officer/Yuen Long (DLO/YL) did not support the application site to include the part of Government Land (GL) within the site adjoining Deep Bay Road which was occupied without approval from his Office. His Office had not received any application for Short Term Tenancy (STT) to regularize such unauthorized occupation of GL;
- (d) two public comments were received during the statutory publication period raising objection to the application on the grounds of environmental

(contamination and noise nuisance) and safety (fire risks from timber/plastic storage) concerns; close proximity of the site to residential dwellings; and unauthorized workshop activities. One of the commenters alleged that the applicant had claimed that renewal of the planning permission was certain in view of previous approvals. He also alleged the applicant of repeatedly breaching the conditions of the previous approval regarding night-time operation, operation on Sundays and public holidays, and stacking height of materials exceeding that of the fencing; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Residential (Group E)” (“R(E)”) and “Recreation” zones since there was no immediate development proposal for the site. The applied use was not incompatible with the surrounding uses as there were similar open storage uses in the immediate vicinity of the site. Regarding DEP's concern on environmental nuisance to sensitive receivers, approval conditions restricting the operation hours, types of vehicles used, types of activity and stacking height of materials stored on site would be imposed to mitigate any potential environmental impacts. With regard to DLO/YL's concern on the applicant's failure to apply for regularization of unauthorized occupation of GL within the site, the applicant would be reminded again to apply for a STT to regularize the irregularity. The Committee had adopted a cautious approach in granting a 12-month permission to the previous application No. A/YL-LFS/168 for temporary open storage of construction materials (steel, scrap metal and tile) as there was once a sign for a small-scale residential development within the “R(E)” zone (i.e. Application No. A/YL-LFS/167 which was rejected by the Committee on 2.11.2007). The shorter approval period was to provide time for relocation of the use to other suitable location so that the long-term planning intention of the “R(E)” zone would not be jeopardized. However, in the context of the review of the Town Planning Board (TPB) Guidelines No. 13D, the applicant of Application No. A/YL-LFS/167 submitted that

the residential development would not be contemplated and the site remained partly under Category 2 and partly under Category 3 Areas under the subsequently promulgated TPB Guidelines No. 13E. Moreover, approval conditions of the previous planning application on fire service installations and the provision of fencing were complied with. Due to demand for open storage and port back-up uses in the area, the Committee had approved a number of similar applications for open storage of container materials. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee's previous decisions. With regard to the public comments raising environmental and safety concerns, the Director of Fire Services had no objection to the application. To address the environmental concerns and any unauthorized workshop activities on site, relevant approval conditions were recommended in paragraphs 13.2 (a) to (e) of the Paper. It was also noted that the current application did not involve storage of timber on the site. In view of the alleged breach of approval conditions of the previous permission, it was considered necessary to monitor the situation on site and a shorter approval period of 1 year was recommended should the application be approved.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 19.12.2009, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. 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 heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, was allowed for the operation of the site during the planning approval period;
- (d) no dismantling, repairing, melting, cleansing and workshop activity was allowed on the site at any time during the planning approval period;
- (e) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (f) no materials was allowed to be stored within 1m of any tree on the site during the planning approval period;
- (g) the landscape plantings implemented under the previous approved application No. A/YL-LFS/144 and the existing vegetations on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities implemented under the previous approved applications No. A/YL-LFS/144 and 168 should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2009;
- (j) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.3.2009;
- (k) in relation to (j) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;

- (l) the construction of an interception channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;
- (m) the provision of fencing for the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) 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
- (p) 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.

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

- (a) a shorter approval period of one year and shorter compliance periods were granted in order to monitor the situation on site and the compliance of approval conditions;
- (b) planning permission should have been renewed before continuing the development on site;
- (c) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site

but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out at the access point should be constructed in accordance with the latest version of Highways Standard Drawing Nos. H1113/H1114 or H5115/H5116, whichever set was appropriate to suit the pavement of the adjacent areas;
- (g) note the Assistant Commissioner for Transport/New Territories' comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (h) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; the discrepancy between the existing occupation area and that under application should be clarified; and application for Short Term Tenancy to regularize the unauthorized occupation of Government Land should be made.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/180 Proposed Residential Development
in “Undetermined” and “Government, Institution or Community” zones,
Lots 879(Part), 880 S.A ss.1, 880 S.B ss.1, 881, 882, 883, 884,
885, 889 RP(Part), 891(Part), 1318, 1326 and 1344(Part) in DD 115
and Adjoining Government Land,
Au Tau, Yuen Long
(RNTPC Paper No. A/YL-NSW/180C)

Presentation and Question Sessions

70. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed residential development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 17 public comments were received during the statutory publication periods of the application and the further information. While two of them objected to the application without giving any reason, there were 14 commenters raising objection on the grounds of land use compatibility, environmental, ecological, traffic and heritage preservation. The remaining commenter, Pok Oi Hospital Board of Directors, considered that the proposed development was against the planning objective of comprehensive development in the area and would not be compatible with the Hospital’s new services under planning;

- (e) the District Officer (Yuen Long) advised that an objection was received from Yuen Long Small Traders' New Village Better Living Co-operative Society Ltd., which was also one of the public commenters, against the application without any reason; and

- (f) the Planning Department (PlanD)'s views – PlanD recommended to defer a decision on the application based on the assessment made in paragraph 12 of the Paper. The subject “Undetermined” (“U”) zone, together with two other “U” zones to the further north, were designated on the Outline Zoning Plan because several major transport and drainage projects (including Yuen Long Highway, West Rail and Yuen Long Bypass Floodway) traversing the sites were under planning. As the areas were located in close proximity to Yuen Long New Town and within a transitional location between urban and rural areas, developments within the “U” zones had to be comprehensively planned and the areas zoned “U” were subject to future land use review. Since the approval of the previous application No. A/YL-NSW/15 at the site in 1996, several infrastructural projects had been completed, and the suitable land use for the entire “U” zone including the site was being assessed under a land use review by PlanD. Also, the application site was subject to various development constraints including exposure to traffic noise impact from the surrounding Yuen Long Highway, Castle Peak Road-Yuen Long Section and the West Rail alignment on viaduct; as well as the interface with industrial activities to the north. Hence, the proposed development would in effect set a constraint to the future planning of the area and was not in line with the planning intention of comprehensive development within the “U” zone. Approval of the proposed residential development would pre-empt the review and was considered premature at this stage. In this regard, PlanD recommended to defer a decision on the application pending the availability of the land use review findings.

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

71. In response to the Chairperson's question, Ms. M.L. Leung said that the land use

review would take 3 to 6 months to complete.

Deliberation Session

72. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department pending the availability of the land use review findings. The Committee also agreed that the application should be re-submitted to the Committee for consideration when the land use review findings were available.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/299 Proposed Filling of Pond for
33 New Territories Exempted Houses (Small Houses)
in “Village Type Development” zone,
Lots 754 S.A to S. Q, 754 S.R(Part), 754 S.S(Part), 754 S.T(Part),
754 S.U(Part), 754 S.V(Part), 754 S.W(Part), 754 S.X(Part), 754 S.Y,
754 S.Z and 754 S.AA to S.AG in DD 109,
Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/299)

73. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for the application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

74. 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 filling of pond for 33 New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation advised that as the site was in close proximity to one of the local feeding, roosting and breeding grounds for a rare breeding bird species, Greater Painted Snipe (GPS), mitigation measures to minimize the potential ecological impacts, as proposed by the applicants, should be implemented prior to the commencement of the proposed NTEH development;
- (d) one public comment was received during the statutory publication period of the application but was subsequently withdrawn by the commenter. During the statutory publication period of the further information on the application, two public comments were received raising objection to the application on the grounds that filling of pond in the absence of a plan for small house development would adversely affect the surrounding environment; the dust arising from the works would cause nuisance and air pollution to the nearby residents; and vehicular movement of the construction vehicles would cause safety problem on the children and villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed filling of a dried pond with a depth of about 2.3m to a site level of about 4.7mPD to 4.9mPD to facilitate NTEH development at the site was considered justified as the District Lands Officer/Yuen Long had received 33 Small House applications at the site. The proposed NTEH development was considered compatible with the rural character of the area predominated by residential structures/village houses, fallow agricultural land/vacant land and ponds/dried ponds. The proposed pond filling would not generate adverse drainage impact. Any potential ecological impact on the GPS habitat would be addressed by the implementation of mitigation

measures as proposed by the applicants. With respect to the public comments on adverse traffic, safety and environmental impacts arising from the proposed pond filling works, relevant departments had no adverse comment on these aspects.

75. Members had no question on the application.

Deliberation Session

76. 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 19.12.2012, 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 of a Drainage Impact Assessment (DIA) including flood relief mitigation measures to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the implementation of the drainage proposal and other necessary flood relief mitigation measures identified in the DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) no pond filling on site would be allowed until the flood relief mitigation measures had been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the submission and implementation of tree preservation proposal prior to pond filling on site to the satisfaction of the Director of Planning or of the TPB;
- (e) the implementation of ecological mitigation measures prior to pond filling on site to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and

- (f) if any of the above planning conditions (c), (d) or (e) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) note the Director of Agriculture, Fisheries and Conservation's comments that the proposed ecological buffer should be extended to the whole length of the eastern boundary of the application site;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed flood relief mitigation measures could be implemented prior to any pond filling activities around the periphery of the site. In the drainage submission, the flood mitigation relief measures should be clearly delineated from the internal drainage of the development;
- (c) note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirement' issued by the Lands Department; and detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that plans should be submitted by an Authorized Person to the Building Authority for approval prior to the commencement of works if non-exempted site formation works and/or communal drainage system was involved; and
- (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicants might need to extend their water mains/water supply

facilities to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply to the development and be responsible for the construction, operation and maintenance of the water mains/water supply facilities within the private lots to the WSD's standard.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/447 Proposed Temporary Barbecue Area
for a Period of 3 Years
in "Agriculture" zone,
Lots 6(Part), 7 RP(Part), 8(Part), 9(Part), 10(Part), 11,
37 and 42 to 44 in DD 113 and Adjoining Government Land,
Tsing Long Highway,
Kam Tin South, Yuen Long
(RNTPC Paper No. A/YL-KTS/447)

Presentation and Question Sessions

78. 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 barbecue area for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had strong reservation on the application as the site had potential for rehabilitation for cultivation and other agricultural purposes and the applicant failed to demonstrate that the proposed development would not generate adverse ecological impact (including fire

hazard posing on the woodland area) on the surroundings and Tai Lam Chung Country Trail. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the proposed barbecue area was incompatible with the existing landscape character of the countryside; valuable landscape resources, such as ponds and vegetation, had already been lost because of the works carried out for the proposed use; and there was insufficient information in the submission to demonstrate that the proposed use would not have adverse impact on the existing landscape. The Director of Environmental Protection advised that public complaints relating to land formation activities and smelly water seepage discharged from the site had been received, and water seepage with whitish deposit and foul smell from the land filling was observed;

- (d) five public comments were received during the statutory publication period. One of the commenters strongly supported the proposed use as it would better utilize the unused land of Ma On Kong village and provide regular income and recreational facility to the residents; and suggested to provide a vehicular access to improve the accessibility of the village. Two commenters objected to/had reservation on the application on the grounds of high risk of hill fire to the country park; insufficient information including assessment on traffic and environmental impacts; inconvenience to current users of the limited public car parks nearby; no consultation with Hoi Pui Village; and that the site was cleared and filled before submitting the application and illegal landfill work might lead to unstable top soil and leakage of polluted water from the site. Another commenter of a nearby dairy farm was concerned about noise and smoke from the proposed barbecue area would affect the health of his cattle, and considered that a buffer area should be delineated between the proposed use and his dairy farm. The remaining commenter considered that the government should not use public money to lay drainage channel for the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper.

The proposed use was not in line with the planning intention of the “Agriculture” (“AGR”) zone. The site was situated within a countryside locality covered with dense natural vegetation and woodland, and the proposed barbecue area was incompatible with the rural and tranquil environment of the surrounding areas. DAFC had strong reservation on the application from the fisheries development, agricultural and ecological viewpoints. There was insufficient information in the submission to demonstrate that the proposed use would not cause adverse landscape impact. Approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into the “AGR” zone. In particular, the site, which was still covered by dense vegetation and a large pond in mid 2007, had now been formed with the vegetation removed and the pond filled without planning permission. The unauthorized and extensive land filling creating a fait accompli should not be encouraged. Besides, there were adverse public comments raising concerns on illegal filling activities, fire risk, traffic/drainage/environmental impacts, no consultation with the villagers, and noise/smoke impacts of the proposed barbecue area on the adjoining dairy farm.

79. A Member said that the area to the south of the application site was identified as potential area for wetland compensation under the Consultancy Study on Wetland Compensation, and enquired whether the proposed use would have any impact on the said area. Miss Paulina Y.L. Kwan said that no information on this aspect was provided by the DAFC. However, by referring to the aerial photo taken on 5.6.2007 at Plan A-3b of the Paper, there was a pond within the application site and the area to the south of the site appeared to be covered by vegetation.

Deliberation Session

80. 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. There was no strong justification 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 ecological (including fire hazard) and landscape impacts on the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/448 Proposed Two New Territories Exempted Houses (Small Houses)
in “Agriculture” and “Village Type Development” zones,
Lot 810 in DD 113,
Ma On Kong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/448)

Presentation and Question Sessions

81. 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 two New Territories Exempted Houses (Small Houses);
- (c) departmental comments – the District Lands Officer/Yuen Long advised

that the applicant was not an indigenous villager and hence was not eligible to apply for Small House. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had potential for rehabilitation for agricultural purpose;

- (d) one public comment was received during the statutory publication period indicating reservation on the application as there was insufficient information in the submission for the assessment of environmental and other impacts of the proposed development, and the villagers had not been consulted; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) and “Village Type Development” zones. There was also insufficient information to demonstrate that the proposed NTEHs/Small Houses were to meet the housing need of indigenous villagers. Approval of the application would set an undesirable precedent for similar applications within the “AGR” zone.

82. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was 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 provided in the submission for a departure from the planning intention;

- (b) there was insufficient information provided by the applicant to demonstrate that the proposed development was to meet the housing need of the indigenous villagers. The proposed development was also not in line with the planning intention of the “Village Type Development” (“V”) zone as land within “V” zone was primarily intended for development of Small House by indigenous villagers. There was no strong justification in the submission for a departure from the planning intention; and
- (c) the approval of the application would set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/449 Proposed Filling of Pond for Permitted Agricultural Use
in “Village Type Development” zone,
Lots 952, 953, 954, 955 and 956 in DD 113,
Ho Pui, Yuen Long
(RNTPC Paper No. A/YL-KTS/449)

Presentation and Question Sessions

84. 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 filling of pond (with an area of about 7 000m² from about

13mPD and 15.9mPD to a level of 17mPD) for permitted agricultural use;

- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department did not support the application as he had grave concern on the drainage impact including the possible increase of flooding risk arising from the proposed pond filling. The Director of Agriculture, Fisheries and Conservation did not support the application as there was no information to demonstrate that the proposed filling of pond would not have adverse impact on the Ma On Kong and Ho Pui egrettries and the surroundings. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the proposed pond filling as it would cause adverse impact on the existing rural landscape, yet the applicants had not provided information on why the nearby fallow land could not be used for agricultural purpose;
- (d) five public comments were received during the statutory publication period raising objection to/concern on the application on the grounds that the proposed works were not necessary; it would cause adverse environmental and ecological impacts and dust nuisance; the subject fish pond was compatible with nearby farm; the proposed works commenced before the application was approved; and there was doubt on the actual use of the site in the future after completion of the filling works; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Although the proposed agricultural use of the site was permitted as of right within the “Village Type Development” (“V”) zone, there were concerns on drainage, ecological and landscape impacts and insufficient information was provided in the submission to demonstrate that the proposed filling of pond would not cause such adverse impacts on the site and the surrounding areas.

85. In response to a Member’s question, Miss Paulina Y.L. Kwan said that pond filling work was found on the application site and about one-third of the pond had been filled

based on recent site inspections. The unauthorised pond filling had been referred to the Central Enforcement and Prosecution Section of PlanD to take appropriate planning enforcement action.

86. In reply to the Chairperson's query, Miss Paulina Y.L. Kwan said that the justifications provided by the applicants in paragraph 9 of the Application Form at Appendix I of the Paper stated that the site would be filled for cultivation purpose, but it could not preclude the possibility that the site would be used for other development. Subsequently, the consultant of the application submitted a revised justification at Appendix Ia of the Paper clarifying the use of the site after the proposed filling works, i.e. there would not be any structures or storage of commercial goods in warehouse on site, and the site would be filled for cultivation purpose.

Deliberation Session

87. Members considered that there was no justification to support the application. The Chairperson remarked that while agricultural use was always permitted within the subject "V" zone, commencement of pond filling work before obtaining planning permission should not be encouraged, and the undertaking of enforcement action should be speeded up.

88. After further deliberation, the Committee decided to reject the application and the reason was that there was insufficient information in the submission to demonstrate that the proposed filling of pond would not cause adverse drainage, ecological and landscape impacts on the site and the surrounding areas.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/149 Temporary Open Storage of New Private Cars and Light Goods Vehicles
Prior to Sale for a Period of 3 Years
in “Village Type Development” zone,
Lots 616 S.B RP(Part) and 617(Part) in DD 114
and Adjoining Government Land,
Kam Tin Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/149)

Presentation and Question Sessions

89. 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 temporary open storage of new private cars and light goods vehicles prior to sale 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 located to the south and southwest of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Village Type Development” zone. It also did not comply with the Town Planning

Board Guidelines No. 13E in that the applied use was not compatible with the nearby village settlements of Sheung Tsuen; not in line with the intention of the Category 4 areas which was to encourage the phasing out of non-conforming uses; and there was adverse comment from DEP on environmental nuisance to sensitive receivers. Although the site was the subject of four previous approvals for similar use, the Town Planning Board had made it very explicitly in the last application (No. A/YL-SK/127) that the granting of 12-month approval was for the applicant to relocate the use to other suitable location and that no further renewal of the approval would be given. However, no genuine effort had been made to relocate the use and the use continued at the site even after the lapse of the last approval on 18.11.2006. Although the current application was submitted by a different applicant, a sympathetic consideration of the application was not warranted.

90. Members had no question on the application.

Deliberation Session

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

- (a) the continuous occupation of the site for open storage use was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the development did not comply with the Town Planning Board Guidelines No. 13E in that the development was not compatible with the nearby village settlements of Sheung Tsuen; not in line with the intention of the

Category 4 areas which was to encourage the phasing out of the non-conforming uses; and there was adverse departmental comments on the application.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/410 Renewal of Planning Approval for
Temporary Concrete Batching Plant
under Application No. A/YL-TYST/306 for a Period of 3 Years
in “Industrial” zone,
Lots 1290 S.C RP, 1293 S.C and 2019 in DD 121
and Adjoining Government Land,
San Fui Street, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/410)

Presentation and Question Sessions

92. 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 renewal of planning approval for temporary concrete batching plant under Application No. A/YL-TYST/306 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that concrete batching plant should be located far away from residential areas and industrial areas

mixing with residential dwellings; traffic flow on San Fui Street would be affected; large lorries were parked on-street at San Hi Tsuen Street; and the number of large vehicles travelling in the area would be increased; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses which were predominantly industrial in character with low-rise industrial buildings, warehouses, factories, workshops and open storage yards intermixed with scattered residential structures. The application was in line with the Town Planning Board Guidelines No. 34A in that there had been no material change in planning circumstances since the approval of the previous application No. A/YL-TYST/306; and the conditions of the previous approval (including the provision of run-in, emergency vehicular access, water supplies for fire-fighting and fire service installations) had been complied with. Relevant Government departments consulted had no adverse comment on the application. Regarding the public objection on grounds of land use incompatibility and adverse traffic impacts, it was considered that the concrete batching plant currently in operation at the site was not incompatible with its surrounding industrial uses, and the site was within an area zoned “Industrial” on the Outline Zoning Plan. An approval condition had been imposed in the last application restricting vehicles to and from the site to using the major trunk roads and industrial access roads in the vicinity. The applicant had all along complied with this condition during the planning approval period and the Transport Department had no adverse comment on the application from traffic point of view. To address the traffic concern, the same approval condition restricting the use of roads by the vehicles of the site was recommended.

93. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 17.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) vehicles to and from the site were restricted to using the major trunk roads and industrial access roads in the vicinity of the site;
- (b) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.6.2009;
- (e) the provision of run in/out at the vehicular access point at San Fui Street within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2009;
- (f) the provision of emergency vehicular access, water supplies for fire-fighting and 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 19.6.2009;
- (g) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (d), (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.

95. The Committee also agreed to advise the applicant of the following :
- (a) resolve any land issues relating to the development with other concerned owner(s) of the application site;
 - (b) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run in/out at the access point at San Fui Street should be constructed in accordance with the latest version of Highways Standard Drawings Nos. H1113/H1114 or H5115/H5116, whichever set as appropriate to suit the type of pavement of adjacent areas. An interception channel should be constructed at the site entrance to prevent surface water running from the site to the nearby public road and drains through the run in/out. His Department should not be responsible for the maintenance of any vehicular access between the site and San Fui Street;
 - (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
 - (d) note the Director of Electrical and Mechanical Services' comments that there was an electricity supply substation within the site and a number of low voltage and 11kV electricity supply lines (i.e. underground cables) in the vicinity of the site. The electricity supply substation should be retained for providing electricity supply to existing consumers. The applicant should consult CLP Power Hong Kong Limited (CLPP) and maintain adequate separation between the electricity supply substation and his vehicles, plant, structures, buildings, etc. and/or take necessary safety measures as appropriate, without affecting the operation of the substation or causing additional risk of electrical safety. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his contractors and/or site workers, etc.) should consult CLPP, and if diversion of the low voltage/11kV underground cables

in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/163 School (Tutorial School) and Religious Institution (Church)
in “Other Specified Uses” annotated
“Public Car Park to Include Retail and Residential Uses” zone,
Shop No. 13, G/F, Springdale Villas,
80 Ma Tin Road, Yuen Long
(RNTPC Paper No. A/YL/163)

Presentation and Question Sessions

96. 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 school (tutorial school) and religious institution (church);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) a total of 145 public comments were received during the statutory publication periods of the application and the further information. Six commenters supported the application mainly on the grounds that the

tutorial school and church would provide necessary services which were in shortage to the residents nearby; more visitors would be attracted to the shopping mall; the application premises was small in scale; and the applied uses would not pose fire risk, generate noise nuisances and affect the utilisation of toilets within the shopping mall. The remaining 139 commenters objected to the application mainly on the grounds that the applied uses would pose fire risk; worsen the sanitary condition of the shopping mall because of insufficient toilet facilities; defeat the planning intention of providing shopping facilities in the area; and created noise nuisances; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied uses could be tolerated based on the assessment made in paragraph 11 of the Paper. The application premises occupied part of the shopping area at G/F of an existing commercial/residential development. The tutorial school cum church were considered not incompatible with the other commercial uses including restaurants, retail shops, beauty parlour and supermarket on the same floor. The tutorial school portion of the application was in line with the Town Planning Board Guidelines No. 40 in that it was located within a shopping mall separated from the residential development above podium, and there was separate access for the shopping mall and the residential blocks. The application premises, with a total area of about 120.9m², was small in scale. The applicant had indicated that visitors for church services would be restricted to a maximum number of 30 in every session of church gathering, which was in line with the certificates issued by the Buildings Department (BD), and the number of exits and width of exit routes provided were acceptable under the Buildings Ordinance (BO). It was unlikely that the establishment would cause any significant adverse impacts on the surroundings. Regarding the local objections, Government departments consulted had no adverse comment on the application from fire and building safety perspectives. Matters relating to premises layout and fire safety requirements of the tutorial school could be further considered at the school registration stage. As regards noise nuisances created by the church visitors and students, the

Environmental Protection Department had no adverse comment on the application as the applicant had taken measures to minimize the nuisance such as reducing the number of amplifiers from 3 to 2, relocating the piano and filling up the hole above the roof to minimize sound transmission, etc. For the provision of toilets, BD advised that the number of sanitary fittings provided at the subject building was acceptable under the BO. Conflicts between different users of the commercial premises in the subject mall were estate management matters which could be settled through further liaison among the Owners' Committee and management agency of Springdale Villas and the applicant. However, taking note of the public concerns on environmental nuisances created by the development, a temporary permission of 3 years was recommended to monitor the situation, should the application be approved.

97. In response to a Member's question, Mr. W.M. Lam said that the application premises was only about 120m² in area. According to the applicant, a sounding system would be used during church activities. However, in order not to affect the neighbouring shops, the applicant had indicated that the number of amplifiers would be reduced from 3 to 2 and the sounding system would not be used as far as possible.

Deliberation Session

98. Members considered that the applied uses were not incompatible with the surrounding uses.

99. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 19.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) 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 19.6.2009; and
- (b) if the above planning condition (a) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied uses at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) liaise further with the Secretary for Education with regard to the school registration matter;
- (d) note the District Lands Officer/Yuen Long's comments that the owner of the concerned property should apply to his Office for lease modification or waiver to facilitate the proposed uses;
- (e) note the Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (f) liaise further with the Owners' Committee and management agency of Springdale Villa on the complaints with regard to the alleged nuisances created by the church visitors and students of the establishment under application.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Compared with the previous application No. A/YL/138 approved by the Committee, the plot ratio of the proposed development was reduced from about 1.16 to 0.73, and the original proposed 19 three-storey apartment blocks with 57 units were reduced to 16 three-storey houses. The built form in terms of number of storeys and building height was considered compatible with adjacent village houses in Fraser Village and the proposed development was in line with the planning intention to concentrate village type development within the “Village Type Development” zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Regarding the local objections, as the site neither fell within any village environs of a recognised village nor encircled a recognised village, application for Small House development would not normally be considered in the area. The proposed development was for non-NTEHs. For the concerns on adverse air ventilation, drainage, sewerage and traffic impacts, relevant Government departments had no objection to the application on these aspects. In relation to the footpath for villagers, the applicant indicated that two pedestrian accesses to the adjoining lots would be reprovided along the southern and western boundaries of the site. Moreover, the Lands Department advised that a clause on the right of way over the existing footpath for pedestrians, as well as standard provisions under which the developer was required to arrange any necessary diversion for the maintenance of water pipe and septic tank would be included in the land exchange. It was noted that a fencing wall of about 1.8m in height was indicated in the approved building plans, and compared with the previous scheme, the layout of the current application had allowed some gaps between buildings. As such, it would not create a wall effect on the surrounding village houses.

102. A Member noted that concerns raised by the local objections would be addressed by imposing relevant approval conditions, and asked whether the objectors would be informed of the decision accordingly. Mr. W.M. Lam replied in affirmative and said that an advisory clause would also be incorporated suggesting the applicant to liaise with the

residents of Fraser Village on the proposed development.

Deliberation Session

103. 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 19.12.2012, 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 of landscape proposals including a tree survey and a tree preservation scheme before commencement of the site formation works to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission of a drainage impact assessment (DIA) to demonstrate that the proposed development would not cause any increase in the flood susceptibility of the adjacent areas and the implementation of flood mitigation measures proposed in the DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) if the above planning condition (a) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) note the District Lands Officer/Yuen Long's comments that a new land exchange application subject to payment of fresh administration fee should be submitted for implementation of the proposed development. In any event, the land exchange would not allow any New Territories Exempted House development within the lot;
- (b) note the Director of Fire Services' comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. The arrangement of EVA should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' which was administrated by the Buildings Department (BD);
- (c) note the Chief Building Surveyor/New Territories West, BD's comments that the site should be accessible from the proposed access road having a width of not less than 4.5m wide, which would be completed before the occupation permit application. Attention was drawn to Building (Planning) Regulation 41D regarding the provision of EVA. Detailed comments would be given upon formal submission of building plans;
- (d) note the Assistant Commissioner for Transport/New Territories' comments that a passing bay should be provided at the access road outside the run-in of the proposed development. The passing bay should be of minimum 2.5m wide and 12m long, and the EVA was normally of 6m wide. The land status and management/maintenance responsibilities of the road/path/track leading to the site should be clarified with relevant lands/maintenance authorities;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD should not be responsible for the maintenance of the existing vehicular access road connecting the application site and Tai Shu Ha Road West;

- (f) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that as the site fell within Scheduled Area No. 2, marble with cavities might be present underneath the site. The applicant should submit building and foundation plans, and ground investigation proposals to BD for approval as required by the provisions of the Buildings Ordinance; and
- (g) liaise with the residents of Fraser Village on the proposed development.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/290 Proposed Temporary Vehicle Park
for Container Vehicle and Open Storage of Construction Material
for a Period of 3 Years
in "Undetermined" zone,
Lots 894 RP(Part), 895(Part), 967, 968, 969, 970,
971 RP(Part), 973 RP(Part), 1299 RP(Part) and 1302 RP
and Adjoining Government Land in DD 122,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/290)

Presentation and Question Sessions

105. 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 vehicle park for container vehicle and open storage of construction material for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the heavy vehicular traffic would cause noise nuisance and the proposed use was environmentally undesirable to the residents nearby (the nearest dwelling was only about 10m to the west of the site boundary). The Chief Engineer/Mainland North, Drainage Services Department raised technical concerns on the drainage proposal submitted by the applicant in that the connection details to the public drain was not shown, and open channels or openings should be constructed at the boundary walls to allow the passage of rainwater from adjacent areas;
- (d) one public comment (with 8 signatures) was received during the statutory publication period raising objection to the application on the grounds that the subject container vehicle park had been an unauthorized development at the site for years; it had damaged the existing drainage facilities and caused flooding and breeding of mosquitoes; container vehicles movement had caused dust and noise nuisances to nearby villagers and adverse impact on pedestrian safety; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not compatible with the surrounding residential dwellings. Although there were some small-scale open storage yards and container trailer parks in the vicinity, they were suspected unauthorised developments subject to planning enforcement action. The proposed open storage of construction material and parking of container vehicle would likely have adverse environmental impacts on the surrounding areas. The application was not in line with the Town Planning Board Guidelines No. 13E in that there were adverse departmental comments and local objections to the application; and insufficient information was provided in the submission to demonstrate no adverse drainage impact and environmental nuisances would be caused by the proposed use to the surrounding areas. No application involving the parking of container vehicles had been approved in this eastern part of the

“Undetermined” (“U”) zone, and approval of this application would set an undesirable precedent for similar applications in the area. Although the applicant mentioned that Applications No. A/YL-PS/206 and 207 for parking of lorry/container vehicle in the western portion of this “U” zone were allowed by the Town Planning Appeal Board, the two applications were allowed on the considerations, among others, that the developments would not have any serious problem on the drainage, traffic and would not cause any nuisance to the surrounding areas, and concerns raised by departments and local objections could be met by the implementation of proposed measures. However, DEP considered that the environment assessments submitted by the current applicant failed to address the concerns on noise nuisances to the existing residents nearby.

106. Members had no question on the application.

Deliberation Session

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

- (a) the development was not compatible with the surrounding areas, in particular the nearby residential structures;
- (b) the application was not in line with the Town Planning Board Guidelines No. 13E as there was insufficient information to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas, and there were adverse departmental comments and local objections on the application; and
- (c) the approval of this planning application would set an undesirable precedent for similar applications in the eastern part of the “Undetermined” zone. The cumulative effects of approving these similar applications would result in degradation of the environment in the area.

Remarks

108. The Chairperson said that Agenda Item 31 would not be open for public viewing as it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

Agenda Item 32

Any Other Business

Section 16A Application

[Open Meeting]

- (i) A/YL-HT/550-2 Extension of Time for Compliance with Planning Conditions – Temporary Open Storage of Fibreglass Products with Workshop for a Period of 3 Years in “Open Storage (Group 1)” zone, Lots 1480 PR(Part), 1481 S.B RP(Part) and 1482 RP in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/550-2)
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111. The Secretary reported that an application for extension of time for compliance with planning conditions (f) and (g) under Application No. A/YL-HT/550 was received on 3.12.2008. The application was approved by the Committee for temporary open storage of fibreglass products with workshop for a period of 3 years up to 6.6.2011 subject to approval conditions. Approval conditions (f) and (g) were related to the submission of fire service installations (FSIs) proposals within 3 months by 6.9.2008 (extended once to 6 months until 6.12.2008) and the provision of FSIs including sprinkler system within 6 months by 6.12.2008 (extended once to 9 months until 6.3.2009) respectively. As the application for extension of time for compliance with conditions was received on 3.12.2008, that was only 3 days before the deadline for compliance with condition (f) on 6.12.2008, the application would not be processed due to insufficient time for obtaining departmental comments. In fact, the time limit for compliance with condition (f) had already expired at the time of consideration by the Committee.

112. After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval condition (f) had already expired on 6.12.2008, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

[Open Meeting]

(ii) Information Note on Applications No. A/YL-HT/570 and A/YL-HT/571

113. Ms. M.L. Leung, STP/TMYL, presented the Information Note on Applications No. A/YL-HT/570 and A/YL-HT/571 and covered the following aspects as detailed in the Paper :

- (a) Application No. A/YL-HT/570 for temporary public vehicle park (private cars, goods vehicles, container vehicles and trailers) within the “Undetermined” (“U”) zone and Application No. A/YL-HT/571 for temporary open storage of trucks and goods compartments of dump trucks within the “Comprehensive Development Area” (“CDA”) zone on the draft Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/9 were approved by the Committee on 10.10.2008 for a period of 3 years with conditions. On 29.11.2008, the Secretariat of the Town Planning Board (the Board) received a written complaint from a private individual that his comment submitted on 31.8.2008 on Application No. A/YL-HT/570 was not made available for the Committee’s consideration;
- (b) during the statutory publication period of Applications No. A/YL-HT/570 and 571, one public comment from Mr. Ling (i.e. the complainant) was received via email commenting on both applications. The public comment was indeed lodged for four applications No. A/YL-HT/566, 567, 570 and 571 covering various parts of Ha Tsuen mainly within the “U” and “CDA” zones for various logistics, open storage and parking uses which

were published for public comment during more or less the same period. The commenter (a resident of Tin Shing Court) raised concerns on noise nuisance caused by heavy vehicular traffic, particularly container vehicles, to/from the sites affecting Tin Shui Wai residents over the years. The commenter requested the Board to strike a balance between business sector interests and those of the general public when considering similar applications;

- (c) it should be noted that the comment on Application No. A/YL-HT/566 was filed out-of-time, whereas Application No. A/YL-HT/567 was subsequently withdrawn by the applicant. This might have caused confusion to the processing officers and led to the eventual omission in the respective RNTPC papers in saying that no public comment was received for Applications No. A/YL-HT/570 and 571;
- (d) while it was unfortunate that the public comment on the said applications had been inadvertently omitted, similar comments on noise nuisance/ problem arising from the applied use at the respective application sites had actually been taken into consideration in previous applications covering the sites of Applications No. A/YL-HT/570 and 571. It should also be noted that similar concerns on operational noise impacts had been raised by a Yuen Long District Council (YLDC) member against the previous applications No. A/YL-HT/477 and 507 for similar temporary open storage of new/used vehicles with ancillary workshops and storage use at the site of Application No. A/YL-HT/570. These two applications were approved by the Committee on 9.3.2007 and 12.10.2007 respectively. There was also an objection from a YLDC member against the previous application No. A/YL-HT/403 at the site of Application No. A/YL-HT/571 regarding noise and congestion on Lau Fau Shan Road associated with heavy vehicular traffic from the site. This application was approved by the Committee on 29.7.2005;
- (e) having taken into account the planning assessments in paragraph 12 of RNTPC Papers No. A/YL-HT/570 and A/YL-HT/571, PlanD on

10.10.2008 recommended to the Committee that the subject applications could be tolerated for a period of 3 years. Had the omitted public comment been incorporated into the papers and submitted to the Committee for consideration, the same conclusion would be drawn and the same recommendations would be made;

- (f) to avoid future re-occurrence of such inadvertent omission of public comments, PlanD had reminded its staff the importance of incorporating all public comments for the Board's consideration and introduced more cautious measures in processing the public comments received; and
- (g) PlanD had also closely monitored the situation of the two applications. In response to a public complaint on alleged night-time operation at the site of Application No. A/YL-HT/570, PlanD had detected night-time operation after 8:00 p.m. twice during site inspections on 24.10.2008 and 5.12.2008 despite verbal and written warnings on 27.10.2008 and 1.12.2008. Consequently, Application No. A/YL-HT/570 was revoked on 5.12.2008 for non-compliance with approval condition (b) relating to no night-time operation, and revocation letter was issued on 17.12.2008. Though no public complaint was received on Application No. A/YL-HT/571, PlanD would monitor the fulfilment of approval conditions in accordance with established practice and recommend revocation of the planning permission if non-compliance was detected.

114. A Member noted that there were increasing number of public comments received via email, and suggested that the computer system of PlanD be enhanced to improve the efficiency. The Chairperson said that PlanD would take appropriate measures in different aspects to avoid future re-occurrence of such an omission.

115. The Committee noted the public complaint about the omitted public comment on Applications No. A/YL-HT/570 and A/YL-HT/571, and noted the latest development of the two applications.

[The Chairperson thanked Ms. Amy Y.M. Cheung, DPO/TMYL, Mr. W.M. Lam, Miss

Paulina Y.L. Kwan and Ms. M.L. Leung, STPs/TMYL, for their attendance to answer Members' enquiries. They all left the meeting at this point.]

116. There being no other business, the meeting was closed at 5:20 p.m..