

TOWN PLANNING BOARD

Minutes of 389th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.2.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

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

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

Secretary

Absent with Apologies

Professor Edwin Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 388th RNTPC Meeting held on 23.1.2009

[Open Meeting]

1. The draft minutes of the 388th RNTPC meeting held on 23.1.2009 were confirmed without amendments.

[Dr. James Lau arrived to join the meeting at this point.]

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Approval of Outline Zoning Plans (OZPs)

2. The Secretary reported that on 10.2.2009, the Chief Executive in Council (CE in C) approved the following draft OZPs under section (9)(1)(a) of the Town Planning Ordinance:

- (a) Ting Kok OZP (to be renumbered as S/NE-TK/15); and
 - (b) Peng Chau OZP (to be renumbered as S/I-PC/10).

3. The approval of the above draft OZPs would be notified in the Gazette on 20.2.2009.

- (ii) Reference of OZP

4. The Secretary reported that on 10.2.2009, the CE in C referred the approved Shek Kip Mei OZP No. S/K4/23 back to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance. The reference back of the approved OZP for amendment would be notified in the Gazette on 20.2.2009.

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), and Ms. Stephanie P.H. Lai, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Amendments to the

Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12
(RNTPC Paper No. 2/09)

5. Ms. Stephanie P.H. Lai, STP/STN, presented the proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

(a) Background to the application

On 11.5.2007, the Committee partially agreed to a s.12A application (Application No. Y/NE-LYT/4) for amendment to the OZP to rezone a site at Lot 2412 in D.D. 83, Ma Liu Shui San Tsuen, Fanling (the Site) from “Residential (Group C)” (“R(C)”) and “Village Type Development” (“V”) to “Government, Institution or Community (1)” (“G/IC(1)”) to reflect the existing use as a religious institution (chapel) and for the proposed extension of the chapel. The Committee also agreed to include ‘Religious Institution’ use in Column 2 of the Notes for the “G/IC(1)” zone with a maximum plot ratio of 0.38 and a maximum building height of 2 storeys (14m) to retain adequate planning control;

(b) Proposed amendments

(i) to rezone the site from “R(C)” and “V” respectively to “G/IC(1)”. ‘Religious Institution’ use was put under Column 2 of the Notes of

the “G/IC(1)” zone. Developments within this zone would be restricted to a maximum plot ratio of 0.38 and a maximum building height of 2 storeys (excluding basement(s)) and maximum building heights in terms of metres above Principal Datum (mPD) as stipulated on the plan. The “G/IC(1)” zone would be divided into two parts by a pecked line. A maximum building height of 19mPD was stipulated on the northwestern part of the site, while a maximum building height of 22mPD was stipulated on the southeastern part;

- (ii) to revise the annotation of the “Other Specified Uses” (“OU”) annotated “Kowloon Canton Railway” zone to “OU” annotated “Railway” to reflect the merging of the Kowloon-Canton Railway Corporation and the Mass Transit Railway Corporation; and
 - (iii) to incorporate a new paragraph in the Explanatory Statement (ES) to the OZP to state clearly the Board’s intention to exclude all slope areas within the development sites from GFA/plot ratio calculation to avoid over-development.
- (c) departmental comments – no objection from concerned Government departments was received;
 - (d) the District Officer (North) advised that he had received two objections from the Chairman of the Fanling District Rural Committee (FDRC) and the Resident Representatives and Indigenous Inhabitants Representatives of Ma Liu Shui San Tsuen. They reiterated their objections in May 2007 when the s.12A application (No. Y/NE-LYT/4) was considered by the Committee. Their objections were mainly on ‘*fung shui*’, social relation, religious conflict, visual impact and environmental hygiene grounds. The objectors were also worried that the proposed development would destroy the tranquility of the village. Similar objections had been considered by the Committee during the s.12A application on 11.5.2007; and
 - (e) should the Committee agree to the proposed amendments, PlanD would

consult the North District Council (NDC) (or its sub-committee) and the FDRC either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of NDC (or its sub-committee) and FDRC.

6. The Chairperson asked, in relation to the incorporation of a new paragraph in the ES to exclude all slope areas within a development site from GFA/plot ratio calculations, whether there were plenty of sloping areas within the boundary of the OZP. Mr. W.K. Hui, DPO/STN, replied that the areas covered by the OZP were in general quite flat, with the exception of the areas near Queen's Hill.

7. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/12 and the Notes as mentioned in paragraphs 4 and 5 of the Paper;
- (b) agree that the draft OZP No. S/NE-LYT/12A at Annex B of the Paper (to be renumbered to S/NE-LYT/13 upon gazetting) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the revised Explanatory Statement at Annex D of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the draft Lung Yeuk Tau and Kwan Tei South OZP and to be issued under the name of the Board; and
- (d) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/NE-LYT/12A (to be renumbered to S/NE-LYT/13 upon gazetting).

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/7 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/23 from “Open Space” to “Other Specified Uses” annotated “Open Space with Historic Building and Hotel Development”, Lots 533 S.E, 533 S.FRP, 533 S.G, 533 S.H, 533 S.JRP and 533 S.Jss.1 in DD 184, STTL 310 and Adjoining Government Land, Sha Tin
(RNTPC Paper No. Y/ST/7)

8. The Secretary reported that the application was submitted by two subsidiaries of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. As the applicants had requested to defer consideration of the application, they could be allowed to stay at the meeting.

Presentation and Question Sessions

9. The Committee noted that on 22.1.2009, the applicant requested for deferment of the consideration of the application for 2 months so that the applicant could prepare supplementary information to address the outstanding departmental comments, in particular, to explore alternative development options with a view to fine-tuning the layout and disposition of the proposed development and to update the relevant technical assessments.

Deliberation Session

10. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within 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 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-TK/5 Application for Amendment to the Draft Ting Kok Outline Zoning Plan
No. S/NE-TK/14 from “Agriculture” to “Other Specified Uses”
annotated “Resort Hotel cum Other Recreational Facilities”, Various
Lots in D.D. 17 and Adjoining Government Land, Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/5)

Presentation and Question Sessions

11. The Committee noted that on 8.1.2009, the applicant requested for deferment of the consideration of the application for 2 months in order to allow time for the applicant to address the departmental concerns.

Deliberation Session

12. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/75 Proposed Government Refuse Collection Point
in “Village Type Development” zone,
Government Land in Wu Kai Sha Village, Ma On Shan
(RNTPC Paper No. A/MOS/75)

Presentation and Question Sessions

13. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Government Refuse Collection Point (RCP);
- (c) departmental comments – the Director of Environmental Protection (DEP) had no in-principle objection to the application and considered the odour concerns raised in the public comment could be resolved through proper design and operation of the RCP. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) recommended that a landscape proposal be submitted and implemented by the applicant to ensure adequate vegetation screening of the RCP;
- (d) during the statutory publication period, five public comments were received from villagers of Wu Kai Sha Village, a Sha Tin District Council (STDC) Member and a member of the public. Some of the Wu Kai Sha villagers objected to the proposed RCP on the grounds that it would cause hygienic problems and would decrease the value of the nearby properties. They requested an alternative location for the RCP far away from the residential developments. The STDC Member reiterated the villagers' concerns and requested the Government to consider an alternative location for the RCP. The other Wu Kai Sha villagers objected to the proposed RCP on the grounds that the Government should carry out in-situ improvement works instead of finding a replacement site. The proposed RCP would also reduce the land area for Small House applications in the village. Another member of the public objected to the proposed RCP on the grounds that (i) the proposed RCP was too close to the residential area; (ii) the proposed location would be an eyesore; (iii) the site would cause environmental nuisance; (iv) the existing RCPs were already sufficient; and (v) the

existing RCP at the entrance to the village was the best location.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 9 of the Paper. Although there were local objections to the application, the location of the proposed RCP was some 40m away from the nearest existing residential development with woodland in between as buffer. The RCP was small in scale and would not cause adverse traffic and environmental impacts to the surrounding areas. There were also no adverse comments from relevant Government departments. Since the proposed RCP was to replace the two existing RCPs in the village, it would not reduce the area for Small House development.

14. A Member asked whether the cluster of trees which fell within the subject "V" zone as noted in Plan A-3 would be affected by village type developments. Mr. Hui replied that based on the layout plan for the subject village, the areas where there were plenty of trees were zoned "Green Belt" and "Local Open Space" with the intention to preserve the existing trees.

Deliberation Session

15. In response to Mr. Ambrose Cheong's question, Mr. W.K. Hui replied that the access requirement would be included in the engineering conditions during the processing of the permanent land allocation of the proposed RCP.

16. 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 13.2.2013, 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 submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

17. The Committee also agreed to advise the applicant to observe the requirements

for the design of Refuse Collection Point as given in section 6.2 of Chapter 9 of the Hong Kong Planning Standards and Guidelines.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/676 Proposed Eating Place, Shop and Services
 in “Residential (Group B)” zone,
 Ground Floor of Podium B, 1-5 Hin Tai Street,
 Julimount Garden, Sha Tin
 (RNTPC Paper No. A/ST/676)

Presentation and Question Sessions

18. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place, shop and services;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. One from the Sha Tin District Councillor had no comment on the application. The other from the management office of Julimount Garden did not accept those businesses of offensive nature and those causing nuisances or noise including bars, karaoke lounges, billiard halls and amusement game centres; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper.

The proposed restaurant and shop and services uses were located at the non-domestic portion of the residential development with a separate entrance. They were considered not incompatible with the residential nature of the area. The provision of a small amount of retail floor space providing basic services to the residents in the area was considered acceptable. Regarding the comments of the management office of Julimount Garden, it should be noted that the current application was for 'Eating Place' and 'Shop and Services', and uses such as bars, karaoke lounges, billiard halls and amusement game centres were classified as 'Place of Entertainment' which required a separate planning permission. The approval of the current application would unlikely cause nuisance to the local residents.

19. Members had no question on the application.

Deliberation Session

20. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 13.2.2013, 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.

21. The Committee also agreed to advise the applicant :

- (a) to note the comments from the District Lands Officer/Sha Tin, Lands Department that the owner would be required to apply to his office for a lease modification to effect the proposed restaurant and services uses; and
- (b) to note the comments from Chief Building Surveyor/New Territories 1 & Licensing Unit, Buildings Department that the proposed uses should comply with the provisions of the Buildings Ordinance, including sufficient exit routes.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/266 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 1458 RP, 1459 RP and 1460 RP in D.D. 17,
Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/266)

22. The Chairperson reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the application. Prof. David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. The Committee noted that Prof. Dudgeon had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

23. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the application site straddled the “Village Type Development” (“V”) and the “Green Belt” (“GB”) zones. He considered that approval of the application might set an undesirable precedent for other similar applications, the resulting cumulative impacts of which could be substantial. No objection from other concerned Government departments

was received;

- (d) during the statutory publication period, one public comment from the WWF Hong Kong was received. They were concerned about the potential impact of the site formation works during the construction stage of the proposed house on the woodland to the north of the site, which was within the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 13 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “GB” zoning, the proposed house (NTEH - Small House) complied with the interim criteria for consideration of application for NTEH/Small House. The 1.49ha (or equivalent to about 44 Small House sites) of land available within the “V” zone of Lo Tsz Tin Village could not meet the total Small House demand in the “V” zone (about 129 Small House sites). The proposed Small House was not incompatible with the surrounding rural environment and were not expected to have adverse impact on the surrounding area or overstrain the existing and planned infrastructure. Regarding WWF Hong Kong’s concern, the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the applicant should be advised to implement preventive measures to avoid causing disturbance to the trees and stream in the vicinity of the site during construction.

24. Members had no question on the application.

Deliberation Session

25. The Chairperson said that the application complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories”. A condition should be imposed to address the possible landscape impacts. Members agreed.

26. 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 13.2.2013, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) 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.

27. The Committee also agreed to advise the applicant :

- (a) that the water mains in the vicinity of the site could not provide the standard fire fighting flow;
- (b) that the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (c) that the applicant should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development;
- (d) that the applicant should be advised to implement appropriate measures to avoid causing disturbance to the trees and stream in the vicinity of the subject site during the construction stage; and

- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) comply 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 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/408 Proposed Residential Development with Kindergarten and Agricultural
 Uses in “Comprehensive Development Area (1)” zone,
 Tai Po Town Lot 183, Various Lots in D.D. 11
 and Adjoining Government Land, Fung Yuen, Tai Po
 (RNTPC Paper No. A/TP/408)

Presentation and Question Sessions

28. The Committee noted that on 20.1.2009 and 3.2.2009, the applicant requested for deferment of the consideration of the application for 2 months so that the applicant could have more time to review the technical assessments in response to departmental comments, and to prepare supplementary information to substantiate the application.

Deliberation Session

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/266 Proposed Utility Installation for Private Project (Electricity Package Transformer) in “Village Type Development” zone, Lots 1303 S.A and 1303 S.L ss. 1 in D.D. 92, Kam Tsin Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/266)

Presentation and Question Sessions

30. 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 utility installation for private project (electricity package transformer);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) was originally concerned that the proposed transformer at a road junction might block the sightline of a rural track. After the applicant proposed to impose a speed limit of 5km/hr for the users of the vehicular access and implement some road safety measures including convex mirror, road marking and give-way sign to improve the sightline to drivers, AC for T/NT, TD had no further comments on the application;
- (d) during the statutory publication period, one public comment stating “no comment” was received. The District Officer (North) reported that one of the three Village Representatives (VRs) of Kam Tsin Tsuen supported the application as the proposed installation would resolve the problem of

shortage of electricity supply in the village; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The proposed electricity package transformer was required for the provision of power supply to the proposed NTEHs – Small Houses in the vicinity of the application site. The proposed development was small in scale and was considered not incompatible with the village character of the surrounding areas. In view of the nature and design of the proposed electricity package transformer, it was unlikely that the proposed use would have adverse impacts on the surrounding areas.

31. Members had no question on the application.

Deliberation Session

32. 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 13.2.2013, 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 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
- (c) the submission and implementation of a landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

33. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/North, Lands Department for a Short

Term Waiver for the proposed electricity package transformer;

- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that he would have no comment under the Buildings Ordinance if the proposed transformer room came under the aegis of New Territories exempted buildings to which Chapter 121 applied. Otherwise, the development intensity of the site would be subject to the Building Authority's determination according to Building (Planning) Regulation (B(P)R) 19(3) unless the site abutted on a specified street under B(P)R 18A(3) of not less than 4.5m wide. In this connection, the applicant was required to appoint an Authorized Person to submit plans for the Building Authority's approval;
- (c) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department that there was flooding history in the vicinity of the application site;
- (d) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being pollution or silting up;
 - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the 'Water Pollution Control Ordinance';
 - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited; and
 - (iv) the application site was within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;

- (e) to note the comments from the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department;
- (f) to liaise with CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the 11kV high voltage overhead lines, 11kV high voltage underground cables, 11kV overhead poles with pole mounted transformers, low voltage overhead line as well as low voltage underground cables away from the vicinity of the proposed structures; and
- (g) to observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/271 Proposed Government Refuse Collection Point
 in “Agriculture” zone,
 Government Land in Hang Tau, Kwu Tung South, Sheung Shui
 (RNTPC Paper No. A/NE-KTS/271)

Presentation and Question Sessions

34. 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 government refuse collection point (RCP);
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) during the statutory publication period, two public comments indicating ‘no comment’ were received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The Government RCP would upgrade the existing refuse collection facility and improve the hygiene condition in the area. It was small in scale and would unlikely have adverse traffic, drainage, environmental, visual and landscape impacts on the surrounding areas.

35. Members had no question on the application.

Deliberation Session

36. The Chairperson commented that the RCP would bring about an improvement to the local environment.

37. 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 13.2.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

38. The Committee also agreed to advise the applicant :

- (a) to liaise with the District Lands Officer/North, Lands Department on

- application for Government land allocation;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
- (i) the application site was located within WSD flooding pumping gathering ground associated with River Indus and River Ganges pumping stations;
 - (ii) fencing should be erected to trap all the wind-blown litter to within the Refuse Collection Point (RCP) complex, which included the RCP, the loading bay, and any other surrounding areas within the site;
 - (iii) U-channels should be constructed to circumscribe the RCP complex to intercept all foul water. The foul water should be led to a manhole, and be discharged through a pipe system to a cesspool. Grating, desilting and fine screening facilities should be provided to prevent ingress of solids. An overflow weir should be provided to cater for periods of heavy rain;
 - (iv) the cesspool and floor slab of the RCP complex should be designed to be waterproofing. The cesspool should be properly maintained and desludged at a regular frequency. The sludge should be carried away and disposed of outside the gathering grounds; and
- (c) to note the Director of Electrical and Mechanical Services' comments that there were low voltage overhead lines next to the application site and 11 kV high voltage underground cables within the application site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. The roof of the RCP should be inaccessible by climbing to avoid potential electric danger of touching the

live overhead lines above. Any structure erected below the low voltage overhead lines should have a safety clearance from the overhead lines. The applicant should consult CLP Power Hong Kong Limited and obtain technical advice when necessary.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/54 House (Redevelopment Only) in “Conservation Area” and
“Government, Institution or Community” zones,
Lot 2957 in D.D. 39, Nam Chung, Luk Keng Road, Sha Tau Kok
(RNTPC Paper No. A/NE-LK/54)

Presentation and Question Sessions

39. Ms. Stephanie P.H. Lai, STP/STN, informed the meeting that replacement pages 6, 8 and 9 of the Paper updating the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had been tabled at the meeting. She presented the application and covered the following aspects as detailed in the Paper.

- (a) background to the application;
- (b) the house (redevelopment only);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as it was unclear if the nearby mature trees would be affected by the proposed house which was 7.5m high. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that those existing trees near the site should be preserved and protected from damages throughout the construction period if the application was approved by the Board. The Antiquities and Monuments Office of the Leisure and

Cultural Services Department (AMO) had no comment on the application but advised the applicant that the remains of stone kiln were in the vicinity of the application site and the proposed works should not cause adverse impact to the kiln remains. The H(GEO), CEDD commented that the application site met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). However, as the application involved only redevelopment of a permanent residential building, he had no in-principle objection to the proposed redevelopment and no NTHS was required;

[Mr. B.W. Chan returned to join the meeting at this point.]

- (d) during the statutory publication period, three public comments were received. Two of them stated ‘no comment’ while the third submitted by a North District Councillor objected to the application on the grounds that the site was located at the toe of a dangerous slope, the proposed redevelopment would affect future road widening of Luk Keng Road, and the surrounding areas were zoned “CA”. The Chairman of the Sha Tau Kok District Rural Committee, a North District Council member and the relevant Village Representatives raised objections on traffic and conservation grounds. They were also concerned that the site was at the toe of a dangerous slope. The local residents had been requesting for the widening of Luk Keng Road, a proposal which the proposed redevelopment would jeopardize. The surrounding area was also used for village festive celebrations and the redevelopment would affect the traditional celebrations; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed redevelopment of the existing domestic structure would not have significant adverse impacts on the old stone lime kilns archaeological site. The District Lands Officer/North, Lands Department had confirmed that a building not more than 2 storeys could be erected on the lot. Even though the proposed redevelopment would result in a development which would exceed the plot ratio and height of the house which was in existence

on the date of the first publication of the IDPA plan, sympathetic considerations could be given as the application only involved redevelopment of a house which was within the same footprint of the existing domestic structure, with 42.5% of the site falling within the “G/IC” zone which did not require planning permission. The proposed redevelopment intensity of the proposed 2-storey house was also similar to the nearby domestic structures. Regarding the public comments, it should be noted that the concerned departments including TD and AFCD had no objection from traffic and conservation viewpoints. There was no programme for future road widening of this section of Luk Keng Road which required resumption of the application site. CEDD also had no in-principle objection to the redevelopment proposal.

40. Members had no question on the application.

Deliberation Session

41. 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 13.2.2013, 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;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the preservation of the existing trees around the site throughout the construction period to the satisfaction of the Director of Planning or of the TPB.

42. The Committee also agreed to advise the applicant :

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows :
 - (i) the applicant might need to extend the inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards; and
 - (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note the comments of Director of Leisure and Cultural Services (Antiquities and Monuments Office) that there were remains of stone kiln in the vicinity of the application site and the proposed works should not cause adverse impact to the kiln remains.

Agenda Item 13

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/90-2 Proposed Comprehensive Residential Development
(Amendments to Approved Scheme) in “Comprehensive Development Area”, “Green Belt”, “Residential (Group C)3” and “Road” zones,
Various Lots in DD 100 and Adjoining Government Land,
Fan Kam Road, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/90-2)

Presentation and Question Sessions

43. 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

- (i) the original scheme (Application No. A/NE-KTS/90) which was approved by the Committee on 12.3.1999, and its validity period had been extended for three times until 12.3.2011. The original approved scheme consisted of two phases (Phases 1 and 2). Phase 1 was covered by an amendment scheme (Application No. A/NE-KTS/214) approved by the then District Planning Officer/Tai Po and North under the delegated authority of the Board on 1.8.2005, and subsequently its validity period had been extended up to 12.3.2011;
- (ii) as there was local objection, the proposed minor amendments in the current application could not be processed under the delegated authority of the Board according to the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals (TPB PG-No. 36);

(b) the Proposed Comprehensive Residential Development (Amendments to Approved Scheme)

the current application involved only minor amendments to Phase 1 with the major parameters of the whole “CDA” site, i.e. the maximum plot ratio (0.4), site coverage (20%) and building height (3 storeys), remained unchanged. The proposed amendments in site area and total GFA were resulted from the changes in the proposed re-grant lot boundary. There were also other minor adjustments including the number, form and disposition of houses, average house size, number of car parking spaces, motor cycle and bicycle parking spaces;

(c) departmental comments – no objection from concerned Government departments was received;

- (d) the District Officer (North) commented that the Chairman of Sheung Shui Rural District Committee raised objection on traffic and ‘fung shui’ grounds. He also mentioned that Fan Kam Road should be improved before the consideration of the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 9 of the Paper. The current submission was similar to the original approved scheme (No. A/NE-KTS/90) and the previously approved scheme (No. A/NE-KTS/214) in terms of land uses and development intensity. The amendments were considered minor in nature and had not significantly affected the overall layout of the development. Regarding the local objection, it should be noted that the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no adverse comment on the current application and ‘fung shui’ consideration was not a planning issue and outside the purview of the Committee.

44. Mr. Ambrose Cheong commented that the number of motorcycle and bicycle parking spaces did not align with the requirements under the lease. Mr. W.K. Hui replied that he did not have the lease conditions in hand and undertook to provide a reply to Transport Department after the meeting. The Chairperson said that the Committee should consider whether the number of motorcycle and bicycle parking spaces as proposed under the current application was acceptable, as the lease requirements could be modified if necessary. Mr. Simon Yu explained that the parking requirements under the lease were drawn up based on the advice of Transport Department. A Member raised doubt on the need to restrict the number of bicycle parking spaces within the development.

Deliberation Session

45. A Member noted that there was a reduction in the number of visitor car parks and asked whether there was any standard for visitor car park and whether the reduction was acceptable. Mr. W.K. Hui replied that there was a standard for visitor car parking in the Hong Kong Planning Standards and Guidelines (HKPSG) and the reduction in number was considered acceptable by Transport Department.

46. Regarding the bicycle parking spaces in residential developments, Mr. Ambrose Cheong said that there were guidelines on the level of bicycle parking provision in the HKPSG. A Member remarked that it would be difficult to enforce the provision as they would not take up much space and that its future residents might decide to have greater use of bicycles.

47. The Secretary said that, noting Mr. Cheong's concern on the parking provision, Members could consider imposing an approval condition requiring the applicant to submit a parking proposal to the satisfaction of Transport Department.

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

48. The Chairperson suggested that approval condition (b) as proposed under paragraph 10.2 of the Paper could be revised to include parking provision. Members agreed.

49. 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 13.2.2011, 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 revised Master Layout Plan (MLP) to take into account the conditions (b), (d), (g), (i) and (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of vehicular ingress/egress points, parking spaces, and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of revised traffic impact assessment to take into account the proposed Fan Kam Road Improvement Project and the junction capacity of Fan Kam Road/Castle Peak Road, and implementation of traffic

improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;

- (d) the provision of the non-building area for the proposed Fan Kam Road Improvement Project and the provision of noise barrier along Fan Kam Road to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission of revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;
- (h) 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;
- (i) the submission and implementation of landscaping proposals including tree felling and planting proposals to the satisfaction of the Director of Planning or of the TPB; and
- (j) the submission of the implementation programme to the satisfaction of the Director of Planning or of the TPB.

50. The Committee also agreed to advise the applicant :

- (a) that 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 deposited in the Land Registry as soon as possible;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
- (i) the Master Layout Plan indicated that Phases 1 and 2 had common access and internal road system, and therefore they might be considered as a single development under the Buildings Ordinance (BO);
 - (ii) the local track serving the vehicular/pedestrian access of the nearby villagers within the site boundary should be deducted from site area for the purposes of Plot Ratio (PR) and Site Coverage (SC) calculations under the Building (Planning) Regulation 23(2) (B(P)R23(2)), and no building/structure should be erected in, over, under and upon there under section 31(1) of BO;
 - (iii) any internal streets if required under section 16(1)(p) of the BO should be deducted from the site area for the purposes of SC and PR calculations under B(P)R 23(2); and
 - (iv) the provision of Emergency Vehicular Access (EVA) to all the buildings within the site should comply with B(P)R 41D;
- (c) to 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 Buildings Department;
- (d) to note the Chief Engineer/Development(2) of Water Supplies Department's (WSD) comments that :
- (i) existing water mains at the northern side and west-southern side of the application site would be affected. For the northern side of the application site, a waterworks reserve within 1.5m from the

centerline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. If not, the developer should bear the cost of any necessary diversion works affected by the proposed development;

- (ii) for the west-southern side of the application site, the applicant should adjust the site boundary to exclude the existing water main;
- (e) to note the Director of Environmental Protection's comments that :
 - (i) given the application site fell within the sensitive Deep Bay Catchment, any discharge from the development into nearby waterbody would increase pollution loading of Deep Bay and have the potential to result in significant adverse water quality and ecological impact on Deep Bay. To avoid adverse environmental impact to Deep Bay, it was preferable to discharge the sewage from the application site to public sewer; and
 - (ii) in general, if sewer connection option was not feasible, the applicant should need to offset the residual pollution load from the proposed sewage treatment plant in order to achieve the no net increase in pollution loading requirement for Deep Bay Catchment.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Lai left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 14

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-PH/3 Application for Amendment to the Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11 from “Open Storage” to “Other Specified Uses” annotated “Film Studio”, Lot 2157 (Part) in D.D.111 and Lots 332 (Part), 333 (Part), 334 R.P. (Part), 335, 336 (Part) and 337 (Part) in D.D. 114, Pat Heung, Yuen Long
(RNTPC Paper No. Y/YL-PH/3)

Presentation and Question Sessions

51. The Chairperson said that reasonable notice had been given to the applicant but the applicant informed the Secretariat that he would not attend or be represented at the hearing. The hearing should proceed in the absence of the applicant.

52. Miss Paulina Y.L. Kwan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.

53. The Chairperson extended a welcome and invited Miss Paulina Kwan to brief Members on the background to the application. Miss Kwan presented the application with the aid of a Powerpoint presentation and covered the following aspects as detailed in the Paper:

(a) background to the application;

[Ms. Maggie Chan left the meeting temporarily at this point.]

(b) the proposed rezoning from “Open Storage” (“OS”) to “Other Specified Uses” annotated “Film Studio” (“OU(Film Studio)”) zone;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

[Ms. Maggie Chan returned to join the meeting at this point.]

- (e) the PlanD's views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The site had a long history for use as a film studio. According to the applicant, the site had been used for props storage and workshop purposes ancillary to the adjoining film studio to the north since 1996, and hence the proposed rezoning would not affect the existing supply of land for general “OS” purposes. The adjoining film studio had already been rezoned from “OS” to “OU(Film Studio)” use in early 1998. The application was considered a technical amendment to regularize the boundary of the existing film studio. If the application was approved by the Committee, appropriate development restrictions were suggested to be incorporated to provide proper control on the development intensity of the existing film studio on the site as a whole. Details of these development restrictions for the whole “OU(Film Studio)” zone would be worked out when the proposed amendment to the OZP was submitted to the Committee for consideration in due course.

54. As Members had no question on the application, the Chairperson thanked Miss Paulina Kwan for attending the meeting. She left the meeting at this point.

[Mr. B.W. Chan returned to join the meeting at this point.]

Deliberation Session

55. After further deliberation, the Committee decided to agree to the subject application, and a submission to the Chief Executive in Council would be made to refer the approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11 back to the Board. Upon reference back of the OZP, a proposed amendment to the OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Ordinance.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/378 Proposed Public Utility Installation (Sewage Pumping Station)
 in “Residential (Group A)” and “Road” zones,
 Government Land in D.D. 300 and D.D. 131, Tuen Mun
 (RNTPC Paper No. A/TM/378)

Presentation and Question Sessions

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

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

(a) background to the application;

(b) the proposed public utility installation (sewage pumping station);

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

(c) departmental comments – the Director of Environmental Protection (DEP) advised that the proposed development was a designated project under the

Environmental Impact Assessment Ordinance (EIAO). The application for Environmental Permit (Application No. AEP-330/2009) was under consideration. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no in-principle objection to the application, provided that the detailed design on vehicular run-in/run-out as well as the realigned footpaths and cycle tracks could be worked out and implemented before the construction of the proposed development;

- (d) during the statutory publication periods of the application and the further information on the application, one public comment was received from the acting principal of Ju Ching Chu Secondary School (Tuen Mun). He considered that the environmental impact to be generated by the proposed development would adversely affect the health of students and teachers and disrupt the pedestrian access for students and teachers to Lung Mun Oasis; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The proposed development was required to cater for future development in Tuen Mun North. It would also alleviate the sewerage capacity problems at the Siu Hong Road Sewage Pumping Station. The location of the proposed development was considered acceptable. Although a portion of the site was zoned “Local Open Space” (“LO”) on the draft Tuen Mun New Town Area 17 Layout Plan No. L/TM 17/1C, after completion of the project, the remaining “LO” serving Area 17 would still exceed the minimum requirement of Hong Kong Planning Standards and Guidelines for the area. Regarding the public comment, all environmental issues would be addressed under the EIAO. An approval condition on the design of the vehicular run-in/run-out and the affected footpath and cycle track was also suggested to address the traffic concerns. The applicant had also consulted the Environment, Hygiene and District Development Committee of the Tuen Mun District Council (TMDC) and the TMDC members supported the proposed development.

57. Members had no question on the application.

Deliberation Session

58. The Chairperson said that Ju Ching Chu Secondary School (Tuen Mun) was not located in the immediate vicinity of the application site. There would not be much adverse environmental impacts arising from the proposed development.

59. 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 13.2.2013, 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 detailed design on vehicular run-in/run-out as well as re-aligned footpaths and cycle tracks before construction of the proposed development to the satisfaction of Commissioner for Transport or of the TPB; and
- (b) the submission and implementation of a tree preservation proposal and a landscape proposal to the satisfaction of Director of Planning or of the TPB.

60. The Committee also agreed to advise the applicant to note :

- (a) the District Lands Officer/Tuen Mun, Lands Department's comments to confirm whether closure and diversion of existing bicycle track and footpath would be regarded as minor works under Section 4 of Roads (Works, Use and Compensation) Ordinance, Cap. 370 as applied by Section 26 of Water Pollution Control (Sewerage) Regulation (Cap. 358 sub; Leg. AL);
- (b) DEP's comment that the proposed development was a designated project

under the Environmental Impact Assessment Ordinance (EIAO). An environmental permit was required before the construction and operation of the project;

- (c) the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for his own access arrangement. Detailed arrangement of the run-in/run-out and its interface with the footpath and cycle track should be submitted for prior comment by all concerned departments including Transport Department and his office. An interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/run-out;
- (d) the Director of Fire Services' comment that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) the Director of Leisure and Cultural Services' comment that the applicant should provide adequate and appropriate mitigation measures to alleviate the impacts of the sewage pumping station on the "Open Space" ("O") site as zoned on the layout plan; and
- (f) the Director of Electrical and Mechanical Services' comments that the applicant should follow the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation and consult CLP Power Hong Kong Limited prior to establishing any structures.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/178 Renewal of Planning Approval for Temporary Open Storage of Scrap Metal and Waste Paper (for Recycling) with Ancillary Office and Weighing Station under Application No. A/TM-LTYY/138 for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 771RP in D.D. 130 and Adjoining Government Land, Castle Peak Road, Lam Tei Section, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYY/178)

Presentation and Question Sessions

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

- (a) background to the application – Application No. A/TM-LTYY/138 was approved with conditions by the Committee on 19.5.2006 for a period of three years;
- (b) renewal of planning approval for temporary open storage of scrap metal and waste paper (for recycling) with ancillary office and weighing station under Application No. A/TM-LTYY/138 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment supporting the application was received; and
- (e) the Planning Department (PlanD)’s views – the PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The development was generally in line with the Town Planning Board Guidelines on

Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34A) in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/TM-LTYY/138, the approval conditions of the previous permission had been complied with, and the 3-year approval period sought was the same as the previous approval. The development fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in complying with the approval conditions of the previous planning applications. It was unlikely that the development would create significant adverse environmental, traffic, drainage and visual impacts on the surrounding areas.

62. The Chairperson asked why approval conditions on fire service installations were suggested to be imposed in this renewal application when the approval conditions of the previous permission were already complied with. Mr. Lau replied that as Fire Services Department (FSD) required new information to be submitted for the current application, approval conditions were included to ensure that FSD's requirements would be met.

Deliberation Session

63. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (b) the site paving and fencing on the site should be maintained at all times during the planning approval period;

- (c) the existing drainage facilities on the site should be maintained at all time during the planning approval period;
- (d) the submission of fire services 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 13.5.2009;
- (e) in relation to (d) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.8.2009;
- (f) the submission of the condition record of the existing drainage facilities on site as previously implemented under planning application No. A/TM-LTYY/138 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2009;
- (g) 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;
- (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; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

64. The Committee also agreed to advise the applicant to:

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

- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of all unauthorized building works/structure(s) existing on site. Authorized person should be appointed to co-ordinate and to submit demolition proposals to the Building Authority (BA) for approval, if so required under the Buildings Ordinance. If new structures/building works were proposed for erection on site, the appointed authorized person should submit plans to the BA for approval prior to commencement of any new building works. If building proposals were submitted to the BA for approval, the site should be accessible from a road of not less than 4.5m wide, otherwise the development intensity would be subject to application of Building (Planning) Regulation 19(3). Emergency Vehicular Access should also be provided according to Building (Planning) Regulation 41D;
- (c) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (d) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should not carry out any heavy pruning or topping on the rest of the existing trees and was also required to remove all the storage materials which had been placed around the trees so as to provide a better growing environment for the trees;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments on the responsibility of access arrangement. If any run-in/out was approved by Transport Department, the HyD's standard drawings should be followed to match the existing pavement condition. In addition, an interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out; and
- (f) note the Chief Engineer/Railway Development 2-2, Railway Development

Office, Highways Department's comments on all statutory regulations for inflammable or dangerous goods as well as building and fire prevention. The MTRC should be consulted prior to the commencement of any construction or maintenance work. A height gauge should be installed outside the scrap yard for the prevention of clashing of jibs from crane lorries with the overhead lines.

[Mr. Edmund Leung left the meeting temporarily at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/293 Temporary Vehicle Park for Private Cars and Light Vans
for a Period of 3 Years in “Undetermined” zone,
Lots 384(Part), 387S.B RP, 387S.B ss.1 RP, 387S.B ss.4,
387S.C ss.1 RP(Part), 387S.C ss.2 RP(Part), 388(Part),
390(Part) in D.D. 122 and Adjoining Government Land,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/293)

Presentation and Question Sessions

65. 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 temporary vehicle park for private cars and light vans for a period of 3 years;
- (c) departmental comments – the Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO) had no objection to the application, but commented that in order not to create adverse visual impact on Tsui Sing Lau Pagoda, consideration should be given to restrict the

building height and the height/size of signage on the site to a scale compatible to the surrounding. The applicant should also be reminded about pedestrian safety for those visiting the pagoda;

- (d) no public comment was received during the statutory publication periods and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views –the PlanD considered that the temporary vehicle park could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The proposed temporary vehicle park would not jeopardize the long-term development of the “Undetermined” zone. The development was not incompatible with the surrounding land uses which were predominantly low-rise residential in character, mixed with a few temporary vehicle parks. Regarding the concerns of the AMO, it should be noted that there was already an existing landscape planting along the northern boundary of site under a previous application (No. A/YL-PS/237). The applicant further proposed the planting of additional trees to cover the existing entrance opposite the pagoda. The applicant also undertook that no additional structure, signboard and advertisement would be erected at the site to minimise adverse visual impact, and would provide warning notices to remind drivers of pedestrian safety on the access road. Approval conditions on operation hours and types of vehicles to be parked at the site were also suggested to minimize any possible environmental concerns.

66. Members had no question on the application.

Deliberation Session

67. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.2.2012, 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., as proposed

by the applicant, was allowed on the site during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (c) no goods vehicles, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) no additional structure or advertisement sign board was to be erected on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the provision of warning notice and other measures to remind drivers of pedestrian safety on the access road to the site, as proposed by the applicant, at all times during the planning approval period;
- (f) the provision of a waterworks reserve within 1.5m from the centreline of the affected water mains within the site at all times during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (g) the drainage facilities implemented under planning application No. A/YL-PS/272 should be maintained at all times during the planning approval period;
- (h) the submission of the record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.8.2009;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 13.8.2009;

- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.11.2009;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.8.2009;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.11.2009;
- (m) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

68. The Committee also agreed to advise the applicant :

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

- owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the existing occupation area was found to be slightly different from that under application. The applicant should be reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved, his office, on review of situation, would resume or take new action as appropriate according to the established district lease enforcement and land control programme;
 - (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as site office and watchman room were considered as temporary buildings and were subject to control;
 - (e) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his approval. In formulating FSIs proposal for the proposed structure, reference should be made to the requirements in Appendix IV of the Paper;
 - (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment 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;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comment that the applicant should be responsible for his own access arrangement;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that no structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise. Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site; and
- (i) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/294 Temporary Public Vehicle Park for Private Cars, Lorries and Coaches
for a Period of 1 Year in "Village Type Development" zone,
Lots 429, 431(Part), 436(Part), 437, 438SA, 438RP, 446(Part),
447(Part) and 449RP(Part) in DD 122, Hang Mei Tsuen,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/294)

Presentation and Question Sessions

69. 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 temporary public vehicle park for private cars, lorries and coaches 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 application site and the access road and environmental nuisance was expected. The Commissioner for Tourism supported the provision of coach parking facilities in the area, on the understanding that all requirements set out by relevant departments were met and no objection would be raised by the residents in the neighbourhood;
- (d) during the statutory publication period, four objections from villagers of Hang Tau Tsuen, Hang Mei Tsuen, and Sheung Cheung Wai were received. The public comments signed by three villagers of Hang Tau Tsuen objected to the application mainly for the reasons that the environment of the area had been improved since the previous application was rejected; and the application should be rejected consistently to allow land owners to get back the right to use their own land properly. The other three public comments from villagers of Hang Tau Tsuen, Hang Mei Tsuen, and Sheung Cheung Wai objected to the application on grounds of potential damages to the fung shui, heritage, cultural and rural landscape of the area, adverse safety impact on the villagers, and pollution. They were also concerned that the vehicle park was too extensive. The number of vehicles to be parked on site should be reduced, and lorries and coach should not be allowed; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary public vehicle park could be tolerated for a period of 12 months

based on the assessments given in paragraph 11 of the Paper. Planning permissions had been granted for the site for temporary public vehicle park before. Since the approval of the previous application (No. A/YL-PS/278), there had not been material change in planning circumstances. The site was close to the Ping Shan Heritage Trail and the provision of a coach park for tourists was considered necessary. To reduce potential nuisance, the applicant proposed a layout in which small vehicles such as private cars and light goods vehicles would be parked on the eastern portion of the site near the village houses, and coaches and lorries would be parked in the western portion which was away from the village houses. Although the last planning permission (No. A/YL-PS/278) was revoked for the reasons that the condition record of drainage facilities and the fire extinguisher were provided after the prescribed time limit, the applicant had made an effort to comply with the approval conditions. The applicant should be advised that favourable consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions. Regarding the public comments, it should be noted that, compared with the previous planning permission (No. A/YL-PS/278), the applicant had improved the car park arrangement to reduce environmental nuisance. The applicant would also need to comply with approval conditions and to adopt the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’.

70. Members had no question on the application.

Deliberation Session

71. The Chairperson said that the compliance with the approval conditions should be closely monitored.

72. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 month until 13.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on-site at any time during the planning approval period;
- (b) no heavy vehicles including container vehicles and container trailers were allowed to be parked on-site at any time during the planning approval period;
- (c) no operation between 11:00 p.m. and 7:00 a.m. was allowed at the site during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all time during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities as previously implemented on site under planning application No. A/YL-PS/266 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2009;
- (g) the improvement of the road signs at the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.5.2009;
- (h) the submission of 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 13.5.2009;
- (i) in relation to (h) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of

the Director of Fire Services or of the TPB by 13.8.2009;

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

73. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his office for a Short Term Waiver (STW) for the structures erected/to be erected within the site. It was their policy not to grant STW to a portion of a lot, the affected portions should be properly carved out for the application unless the other portion outside the site was free of any structure. Should no STW application be received/approved and any structure was found on site, his office would

take appropriate action according to the established district lease enforcement programme;

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and 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;
- (g) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper;
- (h) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that no ground excavation work should be involved; and
- (i) to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances.

[Ms. Maggie Chan left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/295 Temporary War Game Centre for a Period of 3 Years
in “Recreation” and “Village Type Development” zones,
Lots 280(Part), 282 (Part), 284, 285, 286, 287 (Part), 320 (Part),
321, 323RP (Part) and Adjoining Government Land in D.D. 126,
Yuen Long
(RNTPC Paper No. A/YL-PS/295)

Presentation and Question Sessions

74. 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 temporary war game centre for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application provided that there would be measures to prevent war game activities from taking place beyond the site. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application but suggested that conditions relating to landscape and tree preservation proposals be imposed. The trees should also be protected from the proposed war game activities;
- (d) during the statutory publication period, three public comments from two Members of the Yuen Long District Council (YLDC) and a resident of the nearby village were received. One of the Members of YLDC suggested that the existing trees should be protected and a buffer of trees be planted to minimise the potential noise nuisances to the residents nearby. The other Member of YLDC objected to the application on the grounds that the site

was close to residents and not suitable for war game activities. The local resident objected to the application for the reasons that the war game centre would cause nuisance and have adverse impact on their daily lives and their ancestral graves nearby. The war game centre would attract a large number of visitors and pose threats to the safety, property and pets of the villagers; and

- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary war game centre could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. A majority (92.6%) of the site fell within the “REC” zone. The war game centre was generally in line with the planning intention of the “REC” zone. Although a small portion (7.4%) of the site encroached onto “V” zone on the OZP, there was currently no application for Small House Grant within the site. While it was noted that the northern portion (about 50%) of the site fell within the Wetland Buffer Area and the site was located close to a vegetated slope zoned “CA”, the application was for a temporary approval for a period of 3 years and the war game centre did not involve pond filling and was not close to any fish ponds. It was unlikely that the war game centre would create significant adverse traffic, drainage and landscape impacts on the surrounding area. Regarding the public comments, appropriate approval conditions on operation hours and tree preservation had been recommended. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’. As regards the concerns on potential risks to local residents' safety, the Commissioner of Police had no comment on the application.

75. Members had no question on the application.

Deliberation Session

76. A Member considered that outdoor activity spaces such as war game centres should be encouraged to provide more recreational outlets for young people.

77. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) the provision of a water works reserve within 3m from the centreline of the affected water mains within the application site at all times during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.8.2009;
- (d) in relation to (c) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.11.2009;
- (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 13.8.2009;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.11.2009;
- (g) the provision of peripheral fencing for the whole site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.8.2009;
- (h) the submission of fire hydrant system and 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 13.8.2009;

- (i) in relation to (h) above, the provision of a fire hydrant system and fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.11.2009;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

78. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should properly protect the trees with reference to the "Technical Notes on the Submission and Implementation of Landscape Proposals for Compliance with Conditions

for Approved Applications of Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance". The tree trunks should also be properly protected from the proposed activities on site;

- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments on the need to apply to his office for a Short Term Waiver (STW) /Short Term Tenancy (STT) for the structures erected/to be erected and occupation of Government land. As it was his policy not to grant STW to a portion of a lot, the affected portions should be carved out unless the other portion outside the site was free of any structure. Should no STW/STT application be received/approved, his office would take appropriate action according to the established district lease enforcement and land control programme;
- (e) to note the Director of Fire Services' comments on the requirements on formulating of the fire hydrant system and fire service installations proposal in Appendix III of the Paper;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, was required for approval under the BO. An emergency vehicular access should be provided to comply with B(P)R41D;
- (g) to note the Director of Electrical and Mechanical Services' comments that there were high voltage (11kV) overhead lines within the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the high voltage (11kV) overhead lines

away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” under the Electricity Supply Lines (Protection) Regulation should be observed when carrying out works in the vicinity of electricity supply lines;

- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site should be checked with the lands authority and 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) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that all proposed drainage facilities should be constructed and maintained by the applicant at his own costs. For works outside the site, consent of DLO or relevant owners should be obtained prior to the commencement of the works. The applicant was required to properly maintain the drainage facilities and should be liable for and should indemnify claims and demands arising out of any damage or nuisance caused by a failure of the drainage facilities. Information and direction of flow of the existing 200mm U-channel should be shown clearly in the drainage proposal. Consent on the connections should be obtained from the owners or the maintenance party of the existing stream;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that no structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the waterworks reserve area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise;
- (k) to note the Head of the Geotechnical Engineering Office, Civil Engineering

and Development Department's comments that the applicant should have the maintenance responsibility for the whole man-made slope No. 6NW-B/C77 during the approval period; and

- (l) to adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/317 Proposed Residential Development and Enhanced Wetland Reserve
in "Other Specified Uses" annotated "Comprehensive Development
and Wetland Enhancement Area" zone,
Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP,
260 RP (Part), 261 RP, 262 RP, 263 (Part), 264 S.(A to D) RP,
264 S.(E to H) RP, 266 S.B RP, 268 S.(A to B) (Part), 268 S.C RP
and 269 S.B (Part) in D.D. 109 and Adjoining Government Land,
Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTN/317)

79. The Secretary reported that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was the consultant for the applicant of the application. As the applicant had requested to defer consideration of the application, he could be allowed to stay at the meeting.

Presentation and Question Sessions

80. The Committee noted that on 6.2.2009, the applicant requested for deferment of the consideration of the application for two months in order to allow sufficient time for the applicant to prepare supplementary information to address the departmental comments.

Deliberation Session

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/453 Proposed Filling of Pond for Permitted Agricultural Use
 in “Agriculture” zone,
 Lots 502 RP (Part) and 507 S.A RP (Part) in D.D. 103, Ko Po,
 Kam Tin, Yuen Long
 (RNTPC Paper No. A/YL-KTS/453)

Presentation and Question Sessions

82. 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;

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

(b) the proposed filling of pond for permitted agricultural use;

(c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that the applicant should

submit a drainage study report to demonstrate that the proposed pond filling would not cause any adverse drainage impact to the adjacent area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from a fisheries and ecological point of view. The site should be preserved for fish culture activities. Moreover, a rare breeding bird species, Greater Painted Snipe (GPS), was observed adjacent to and in the vicinity of the site. The applicant should provide supplementary information to demonstrate that the subject site and its vicinity would not be adversely affected by the proposed pond filling and the site was not an important habitat of GPS;

[Mr. Ambrose Cheong left the meeting temporarily at this point.]

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. No information on the details of the proposed pond filling works such as the mode of the filling works and the filling material to be used had been provided. There was concern on the drainage impact of the proposed filling of pond from CE/MN, DSD. The DAFC considered that the subject site should be preserved for fish culture activities. The proposed pond filling works would have potential adverse ecological impacts on the GPS adjacent to and in the vicinity of the site. In the absence of sufficient information to demonstrate that the proposed pond filling would not have adverse ecological impact, the application could not be supported.

83. Members had no question on the application.

Deliberation Session

84. After further deliberation, the Committee decided to reject the application and the

reason was there was insufficient information in the submission to demonstrate that the proposed filling of pond would not cause adverse drainage and ecological impacts on the surrounding areas.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/454 Proposed Excavation of Land for Permitted Geotechnical (Slope Upgrading) Works in “Conservation Area” zone, Government Land at Slope No. 6NE-C/FR55 to the South of Tsing Long Highway Toll Plaza, Yuen Long
(RNTPC Paper No. A/YL-KTS/454)

Presentation and Question Sessions

85. 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 excavation of land for permitted geotechnical (slope upgrading) works;

[Mr. Ambrose Cheong returned to join the meeting at this point.]

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper.

Approval conditions on landscape and tree preservation were recommended to monitor the proposed landscape treatment.

86. Miss Paulina Kwan informed the Committee that there was a typo in paragraph 12(a) of the Paper. The word “proposals” should have been inserted after “preservation”.

87. Members had no question on the application.

Deliberation Session

88. 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 13.2.2013, 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 submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

89. The Committee also agreed to advise the applicant to note :

- (a) the Director of Agriculture, Fisheries and Conservation’s comments that good site practice should be implemented to avoid/minimize disturbance to the vegetation and the environment of the proposed works area and its vicinity (including the stream course located to the southeast of the site) as far as practicable. Should felling of trees be unavoidable, a tree felling application with a detailed tree survey and full justifications should be prepared in accordance with the ETWB Technical Circular No. 3/2006 and submitted to the relevant authorities for consideration;
- (b) the Director of Environmental Protection’s comments that appropriate environmental pollution control measures stipulated in the “Recommended Pollution Control Clauses for Construction Contracts” should be properly implemented to minimize other short-term environmental impacts during the construction stage of the proposed slope works;

- (c) the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that the proposed slope works should not result in adverse drainage impact to the existing drainage facilities and the adjacent area. All precautionary measures to prevent damage to the existing drainage/sewerage facilities should also be undertaken. In the event of any damage caused to the existing drainage/sewerage facilities arising from the proposed works, the applicant should be held responsible for making good the damage at his own cost and to DSD's satisfaction. Besides, no excavated material, sand/silt, debris etc., would be washed into the existing drainage/sewerage systems from the works site during the construction of the subject project; and
- (d) the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the access road in the vicinity of the site was maintained by the WSD. The applicant should comply with the "Condition for the use of Waterworks Access Road" in Appendix II of the Paper for the use of this WSD access road.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/148 Proposed Four Houses (New Territories Exempted Houses)
 in "Agriculture" zone,
 Lots 1504 and 1505 in D.D. 112, Tsing Tam Village,
 Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/148)

[Dr. James Lau left the meeting temporarily at this point.]

Presentation and Question Sessions

90. The Committee noted that on 20.1.2009, the applicant requested for deferment of

the consideration of the application for two months in order to allow sufficient time for the applicant to prepare additional information to address the departmental comments and to obtain land search information from the Land Registry.

Deliberation Session

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

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/578 Temporary Open Storage of Construction Machinery, Recyclable Materials (Plastic, Metal and Paper) with Cargo Handling and Forwarding Facility for a Period of 3 Years
in “Open Storage (Group 1)” zone,
Lots 6(Part), 7(Part), 8(Part), 9 RP(Part), 10, 11, 12(Part), 42(Part),
43(Part), 44(Part), 45(Part), 46 S.B(Part), 46 RP(Part), 47(Part) and
50(Part) in D.D. 124, Lots 1498 S.A RP(Part), 1498 S.B RP(Part) and
1556 RP(Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/578)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery, recyclable materials (plastic, metal and paper) with cargo handling and forwarding facility for a period of 3 years;

[Dr. James Lau returned to join the meeting at this point.]

- (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 including residential dwellings in Kau Lee Uk Tsuen (6m away) and the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. However, no environmental complaint had been received in the past three years;
- (d) during the statutory publication period, one commenter from Kau Lee Uk Tsuen objected the application for the reasons that (i) the high volume of traffic generated by the development would exert pressure on Tin Ha road and Ping Ha Road. There would be waiting/queuing of vehicles on public roads during the peak period; (ii) there were fire risks associated with recycle materials stored and there was structural safety issue; (iii) there were noise, air and water pollution and nuisance associated with the transport and loading/unloading of recycle materials; (iv) there was adverse impact on society, the economy and the living standards of the Northwest New Territories brought about by the toleration of environmentally degrading businesses in the area; (v) it was unfair to the residents in the area as there were more approvals of open storage yards in the area; and (vi) there was occupation of valuable land by activities of low economic value but highly polluting; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary storage yard could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB PG-No. 13E. The development

was generally in line with the planning intention of “OS(1)” zone. Although DEP did not support the application, no environmental complaint had been received over the past 3 years. Appropriate approval conditions including those on operation hours and the prohibition of heavy vehicles had been recommended to address the possible environmental concerns. Although two previous applications covering part of the site were rejected, it was noted that both applications were for container storage which would cause severe environmental nuisance to the surrounding areas. Since then, the site had been rezoned from “REC” and “R(D)” to “OS” and “OS(1)”. The current application no longer involved containers/container vehicles and severe environmental nuisance/safety hazard to its surrounding areas was not expected. Regarding the public comments, it should be noted that the part of Kau Lee Uk Tsuen adjoining the site was mainly occupied by various workshops, vehicle parks, and open storage of containers, some of which were “Existing Uses” tolerated under the Town Planning Ordinance. The concerns on environmental nuisance and fire hazards could be addressed by approval conditions.

93. Members had no question on the application.

Deliberation Session

94. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.2.2012, 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 from 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, repairing, melting, cleansing and workshop activity, including vehicle repair, should be carried out on the site during the

- planning approval period;
- (d) no stacking of containers on the site 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 material should be stored on that part of the site proposed by the applicant as a buffer area during the planning approval period;
 - (g) 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;
 - (h) the submission of a tree preservation proposal and a revised landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.8.2009;
 - (i) in relation to (h) above, the implementation of the tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.11.2009;
 - (j) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.8.2009;
 - (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.11.2009;
 - (l) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.8.2009;

- (m) in relation to (l) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.11.2009;
- (n) the provision of paving 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 13.8.2009;
- (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; and
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

95. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that 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 be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's

comments that the site situates 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 to apply to his Office for Short Term Waiver (STW) to regularize the unauthorized structures on site. Should no STW application be received/approved, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;

- (e) to 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 structure, for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and detailed comments on the plot ratio and site coverage would be offered upon formal submission of building plans to his department;
- (f) to follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” in order to minimise the potential environmental impacts on the adjacent area; and
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/592 Temporary Vehicle Repair Workshop (including Light Goods Vehicles and Container Vehicles) for a Period of 3 Years
in “Village Type Development” and “Open Space” zones,
Lots 352 RP(Part), 353(Part), 354(Part) and 356(Part) in D.D.124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/592)

Presentation and Question Sessions

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

(a) background to the application;

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

(b) the temporary vehicle repair workshop (including light goods vehicles and container vehicles) for a period of 3 years;

(c) departmental comments – the District Lands Officer/North, Lands Department did not support the application as he had not received any application to regularize the unauthorized structures at the site. DEP did not support the application because there were sensitive uses in the vicinity of the site and environmental nuisance was expected;

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

(d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and

(e) the Planning Department (PlanD)’s views – the PlanD considered that the

temporary vehicle repair workshop (including light goods vehicles and container vehicles) could be tolerated for a period of two years based on the assessments given in paragraph 11 of the Paper. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “O” and “V” zones as there was not yet any programme/known intention to implement the zoned uses. The site had been the subject of four previous applications (No. A/YL-HT/164, 229, 267 and 419) approved by the Committee since 2000. All approval conditions of the last application No. A/YL-HT/419 had been complied with. To address DEP’s concern and to mitigate any potential environmental impacts, approval conditions, including no night-time operation and no operation on Sundays and public holidays, had been recommended. With regard to DLO/YL’s concern, the applicant would be reminded to make the necessary application. A shorter approval period of 2 years was recommended to allow the applicant time to relocate the current use on the “V” portion of the site to another suitable location in view of a recently approved small house development in the vicinity (about 30m away).

97. Members had no question on the application.

Deliberation Session

98. Mr. Ambrose Cheong advised that the road/path/track leading to the site did not connect to Ping Ha Road. He suggested that paragraph 12(i) be revised accordingly. Members agreed.

99. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 13.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site

- during the planning approval period;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.8.2009;
 - (d) in relation to (c) 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 13.11.2009;
 - (e) the submission 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 13.8.2009;
 - (f) in relation to (e) above, the implementation of run-in proposals within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.11.2009;
 - (g) the construction of an interception channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.11.2009;
 - (h) 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 13.8.2009;
 - (i) in relation to (h) 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 13.11.2009;
 - (j) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have

effect and should be revoked immediately without further notice;

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

100. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been renewed before continuing the development on the site;
- (b) to note that a shorter approval period of 2 years was granted in order to allow time for the applicant to relocate the current use on the “Village Type Development” portion of the site to other suitable location;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW) to regularize the structures erected/to be erected within the site; should no STW application be received/approved but the applicant occupies the Government Land, his office would take land

control action as appropriate according to the established district lease enforcement programme;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run in/out at the access point in accordance with the latest version of HyD's standard drawings H1113 and H1114, or H5115 and H5116, whichever set was appropriate to suit the pavement of the adjacent areas;
- (g) to 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; containers being used as storage were considered as temporary buildings that were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; and if the site did not abut on a specified street of more than 4.5m in width, the development intensity would be subject to determination under B(P)R 19(3);
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend her inside services to the nearest suitable government water mains for connection; to resolve any land matter (such as private lots) associated with the provision of water supply to the premises under the application; and be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards;
- (i) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site 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

- (j) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix IV of the Paper; and to approach his Dangerous Goods Division for advice on licensing of the premises for the vehicle repair workshop purpose where necessary.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

- A/YL-ST/357 Renewal of Planning Approval for Temporary Public Car Park (for Private Cars) with Ancillary Facilities (Including a Refreshment Kiosk) under Application No. A/YL-ST/308 for a Period of 3 Years in "Undetermined" zone,
Lot 372 S.D. RP (Part) in D.D. 99 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/357)
-

Presentation and Question Sessions

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

- (a) background to the application – the original planning application (No. A/YL-ST/308) for the same temporary public car park (for private cars) with ancillary facilities (including a refreshment kiosk) was approved by the Committee on 7.4.2006 for a period of three years until 7.4.2009;
- (b) the renewal of planning approval for temporary public car park (for private cars) with ancillary facilities (including a refreshment kiosk) under

application no. A/YL-ST/308 for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – the PlanD considered that the temporary public car park could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines No. 13E. The temporary public car park was located near the Lok Ma Chau Control Point and could satisfy some of the parking demand for cross-boundary travellers. Sympathetic consideration could be given for temporary use of the site, and approval on a temporary basis would not frustrate the long-term use of the "U" zone. The public car park on site was not incompatible with the surrounding land uses which comprised mainly vehicle parks (including container vehicle parks) and unused land. To minimize potential environmental impact from the development on the surrounding areas, relevant approval conditions had been recommended.

102. Members had no question on the application.

Deliberation Session

103. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the western boundary of the site at least 1.5m from the centerline of the existing 150mm diameter water mains at any time during the planning approval period;

- (b) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site 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-ST/308 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.8.2009;
- (i) 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 13.8.2009;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.11.2009;

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

104. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site under application were Old Schedule Agricultural Lots granted under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. Encroachment upon Short Term Tenancy (STT) No. 1748 & GLA-TYL570 should be avoided. If the application was approved, he would continue to process the STT/Short Term Waiver (STW) application. Whilst a portion of the lot was affected within the site and it was his policy not to grant STW to portion of a lot, the applicant would be required to carve out the site as it might require;
- (d) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the Chief Engineer/Mainland North, Drainage Services

Department's comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on site at his own cost;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance and the allied regulations. Actions appropriate under the Buildings Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage. Building (Planning) Regulation 41D regarding the provision of emergency vehicular access was applicable;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's advice that existing 150mm diameter water main along western boundary of the site would be affected (Plan A-2). The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across through or under it which the Water Authority might require or authorize. Other existing water mains would also be affected by the development. The applicant should bear the cost of any necessary diversion works affected by the proposed development. There were water mains rehabilitation works – 'Replacement and Rehabilitation of Water Mains Stage 2' along and within the site;
- (h) to note the Director of Fire Services' comments that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for consideration and approval. In this connection, the applicant should be advised (i) the layout plans should be drawn to scale and depicted with dimensions and nature of

occupancy; and (ii) the location where the proposed FSI to be installed should be clearly marked and stated in notes form on the layout plans; and

- (i) to note the Director of Food and Environmental Hygiene's comments that the applicant was advised that a proper food licence issued by his Department was necessary if any class of food business was open for public.

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

Agenda Item 27

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/579-1 Application for Extension of Time for Compliance with Planning Condition - Temporary Container Vehicle Repair Yard with Ancillary Office for a Period of 3 Years in "Open Storage" zone, Lots 1188 RP (Part), 1333 (Part), 1334 (Part), 1335 (Part) and 1336 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/579-1)

Presentation and Question Sessions

105. The Secretary reported that an application for extension of time (EOT) to comply with approval conditions (c) to (i) under application No. A/YL-HT/579 was received on 21.1.2009. However, as the deadline for compliance with approval conditions (c), (e), (g) and (i) was 24.1.2009, there was not enough time for the Planning Department to process the application. The planning permission was already revoked on 24.1.2009, and therefore the EOT application could not be considered by the Committee.

Deliberation Session

106. After further deliberation, the Committee agreed that the application for extension of time could not be considered as the planning permission had been revoked on 24.1.2009.

107. There being no other business, the meeting was closed at 4:10 p.m.