

TOWN PLANNING BOARD

Minutes of 420th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.6.2010

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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 H.W. Chan

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Lo

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Maggie M.Y. Chin

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

Vote of Thanks

[Open Meeting]

1. The Vice-chairman said that this was the last Rural and New Territories Planning Committee meeting for the Chairperson, Mrs. Ava S.Y. Ng, who was going to retire from the Civil Service. The Vice-chairman proposed and Members supported that a vote of thanks be given to Mrs. Ng for her leadership and wished her a happy retirement. The Chairperson thanked all Members for their support and contribution to the work of the Committee in the past years.

Agenda Item 1

Confirmation of the Draft Minutes of the 419th RNTPC Meeting held on 11.6.2010

[Open Meeting]

2. The Secretary reported that a copy of the proposed amendments to the draft minutes of the 419th meeting had been tabled for Members' consideration. The amended paragraphs are as follows:

(i) paragraph 139 (g)

the submission of fire service installations proposal within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.9.2010;

(ii) paragraph 139 (h)

in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.12.2010;

3. Members had no comment on the proposed amendments and the minutes were confirmed subject to the said amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/I-LI/15 Proposed Eating Place, Shop and Services and
Minor Relaxation of Building Height Restriction
in “Residential (Group C)” zone,
Lot 528 in D.D. 10 and Adjoining Government Land,
Sok Kwu Wan, Lamma Island
(RNTPC Paper No. A/I-LI/15B)

5. The Committee noted that the applicant’s representative requested on 10.6.2010 for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare further information to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department.

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

[Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/172 Temporary Eating Place
(Outside Seating Accommodation for Restaurant Only)
for a Period of 3 Years in an area shown as ‘Road’,
Open Area in front of Shops 10A & B, Po Tung Road,
Lot 1827 in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-PK/172 & 173)

A/SK-PK/173 Temporary Eating Place
(Outside Seating Accommodation for Restaurant Only)
for a Period of 3 Years in an area shown as ‘Road’,
Open Area in front of Shop 10 C, Po Tung Road,
Lot 1827 in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-PK/172 & 173)

Presentation and Question Sessions

7. Members noted that the two applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same area shown as ‘Road’.

8. Mr. Charles C.F. Yum, STP/SKIs, said that the replacement pages 6, 7, 9 and the newly added Appendix II for the Paper had been sent to Members before the meeting. He then presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the temporary eating place (outside seating accommodation (OSA) for restaurant only) for a period of 3 years at each of the application site;

- (c) departmental comments – the Chief Highway Engineer/New Territories East, Highways Department (HyD) advised that the section of Hiram’s Highway fronting the application sites was within the project limits of the ‘Dualling of Hiram’s Highway from Marina Cove to Sai Kung Town’ project. As the target commencement date of the construction works of the project had been revised to 2015, he had no objection to the applications for a temporary period of three years. However, he would not support any further extension of the approval period as it would lead to higher compensation to the subject lot when the road works project was gazetted. The Director of Food and Environmental Hygiene (DFEH) objected to the applications as the application sites, i.e. 8.15m² under Application No. A/SK-PK/172 and 6.89m² under Application No. A/SK-PK/173, were different from the OSA areas approved by DFEH (i.e. 8.31m² and 6.72m² respectively). He pointed out that, according to the licensing conditions for the OSAs, the layout of the subject restaurants should be kept in strict conformity with that shown on the final plans approved by the DFEH, and no alteration or addition should be made to the subject restaurants without DFEH’s prior approval;

- (d) during the statutory publication period, one public comment was received for each of the application from Designing Hong Kong Limited. The commenter supported the applications on the grounds that the applied use would not cause nuisance or obstruction, and it could bring vibrancy to the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 10 of the Paper. While the application sites fell within an area shown as ‘Road’ which might be affected by the road project for the dualling of Hiram’s Highway, HyD advised that the construction works were targeted to commence in 2015. It was therefore envisaged that the OSA use on a temporary basis for three years up to June 2013 would not frustrate the planning intention of the application sites, and would not affect the implementation of the road

improvement works. Both the Transport Department and HyD had no objection to the applications. Moreover, the OSAs were previously approved by the Committee in 2004 and had been operating as part of the two existing restaurants on the ground floor of the adjoining house. It was compatible with the existing commercial uses on the ground level of the nearby houses and no parking space was provided. Given the small scale of the proposals (two application sites with a total area of about 15.04m²), the OSAs would unlikely cause adverse traffic, drainage and environmental impacts on the surrounding areas. Besides, the OSAs would need to comply with the restaurant licensing requirements of DFEH. As regards DFEH's concerns about the difference in OSA areas between the current applications and the existing licences, an advisory clause was recommended requesting the applicant to approach the DFEH to sort out the licensing requirements.

9. Members had no question on the applications.

Deliberation Session

10. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission was subject to the following conditions :

- (a) 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 25.12.2010;
- (b) in relation to (a) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice.

[Post-meeting Note: As the application was approved on a temporary basis for 3 years, the approval condition on fire safety aspect as recommended in paragraph 11.2 of the Paper was revised to require the submission and implementation of fire service installation proposals by a specified date. A revocation clause on the non-compliance of conditions with time limits was also imposed.]

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the Commissioner for Transport's comments that :
 - (i) the restaurant furniture and temporary structures in the outside seating accommodation (OSA) should not obstruct traffic aids and sightlines of vehicles and pedestrians, and the OSA layout of the furniture and temporary structures should be modified when required by the Government; and
 - (ii) the OSA should be so controlled that road works and traffic diversions as well as traffic management schemes for special occasions would not be affected;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that :
 - (i) for provision of water supply to the applied use, 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 be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (ii) the water main in the vicinity of the application site was to be replaced/rehabilitated under the ‘Replacement and Rehabilitation (R&R) of Water Mains Stage 4 – New Territories Package’, of which the construction works would tentatively commence by early 2011 subject to further review. Sufficient working area and access should be allowed for the R&R works. To this end, a waterworks reserve within 1.5m from the centreline of water main within or near the application site should be provided to WSD. 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. All other services across, through or under the waterworks reserve were required to seek authorization from the Water Authority. If diversion of the water main was necessary, the applicant should bear the cost of any necessary diversion works affected by the application; and
- (d) to approach the Director of Food and Environmental Hygiene on the licensing requirements and apply for new licences, if required.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/174 Proposed Temporary Horticultural Garden and Eating Place
for a Period of 3 Years in an area shown as ‘Road’,
Government Land in D.D. 217 (Short Term Tenancy No. SX2715) (Part),
Tai Chung Hau, Sai Kung
(RNTPC Paper No. A/SK-PK/174)

Presentation and Question Sessions

12. Mr. Charles C.F. Yum, STP/SKIs, said that the replacement page 9 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary horticultural garden and eating place for a period of 3 years;
- (c) departmental comments – the Chief Highway Engineer/New Territories East, Highways Department (HyD) advised that the section of Hiram’s Highway fronting the application site was within the project limits of the ‘Dualling of Hiram’s Highway from Marina Cove to Sai Kung Town’ project. As the target commencement date of the construction works of the project had been revised to 2015, he had no objection to the application for a temporary period of three years. However, he would not support any further extension of the approval period as it would lead to higher compensation to the subject lot when the road works project was gazetted;
- (d) three public comments were received during the statutory publication period. Two comments submitted by the Tai Chung Hau Village Mutual Aid Committee and a Sai Kung District Councillor raised objection to the application on the grounds that the proposed eating place would have adverse traffic, environmental and noise impacts on Tai Chung Hau Village. The remaining comment from another Sai Kung District Councillor stated that he would agree with the application provided that the proposed development had complied with the relevant requirements and would not affect the local residents; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the application site was shown as ‘Road’ on the Outline Zoning Plan which might be affected by the road project for the dualling of Hiram’s

Highway, HyD advised that the construction works were targeted to commence in 2015. It was therefore envisaged that the proposed development on a temporary basis for three years up to June 2013 would not frustrate the planning intention of the application site, and would not affect the implementation of the road improvement works. Both the Transport Department (TD) and HyD had no objection to the application. Moreover, the proposed development, comprising horticultural garden and catering service use, was relatively small in scale. The daily visitors were about 50 to 100 and 150 to 200 during holidays and weekends respectively. Hence, the proposed development would not have adverse traffic, drainage, noise, environmental and landscape impacts on the surrounding areas. Regarding the commenters' concerns on the possible adverse traffic, environmental and noise impacts on Tai Chung Hau Village, it should be noted that the proposed catering service was small in scale and the application site was relatively far away from the residential neighbourhood in the area except the three village type houses located between the site and Hiram's Highway to the east. The proposed development would unlikely generate adverse traffic, environmental and noise nuisance to the nearby area. Concerned departments including TD, HyD, Environmental Protection Department and Food and Environmental Hygiene Department had no adverse comment on the application. In addition, a temporary approval of three years would allow the Committee to monitor the operation of the proposed development.

13. Members had no question on the application.

Deliberation Session

14. Mr. Ambrose S.Y. Cheong noted that there was an access track leading to the application site from Hiram's Highway, which was outside the application site. He suggested incorporating an advisory clause to request the applicant to check with relevant authorities on the land status and the management/maintenance responsibilities of the concerned access track. Members agreed.

[Dr. W.K. Yau arrived to join the meeting at this point.]

15. In response to a Member's query, Mr. Charles C.F. Yum said that the applicant had not submitted any landscaping and tree preservation proposals for the proposed development. This Member asked whether the recommended compliance periods of 6 months and 9 months for the approval conditions on submission and implementation of landscaping and tree preservation proposals were appropriate in view of the existing trees on site. The Secretary explained that such compliance periods were normally adopted for temporary uses in the New Territories. However, if a previous approval was revoked due to non-compliance with the approval conditions, the Committee would consider imposing shorter compliance periods (3 months and 6 months for the submission and implementation of a proposal respectively) in order to closely monitor the fulfilment of approval conditions. After some discussion, Members agreed that the normal compliance periods of 6 months and 9 months for the submission and implementation of landscaping and tree preservation proposals were appropriate for the current application.

16. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscaping 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 25.12.2010;
- (b) in relation to (a) above, the implementation of landscaping 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 25.3.2011;
- (c) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2010;
- (d) in relation to (c) above, the provision of water supplies for fire-fighting and

fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011; and

- (e) if any of the above planning conditions (a), (b), (c) or (d) 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.

[Post-meeting Note: Based on the advice of the Director of Fire Services, approval conditions on fire safety aspect should be imposed for the application. As such, approval conditions (c) and (d) were incorporated. Besides, a revocation clause on the non-compliance of conditions with time limits was also imposed.]

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

- (a) to note the District Lands Officer/Sai Kung's comments that the applicant might apply to his office for revision of the relevant terms and conditions of the Short Term Tenancy (such as the extent of the tenancy area, the maximum height of permitted buildings/structures, etc.) in order to tally with the approved scheme. There was no guarantee that the proposed revisions would be approved by the Government. The revisions, if eventually approved, would be subject to payment of fees and additional rent, if applicable, as the Government considered appropriate;
- (b) to note the Director of Fire Services' comments that recommendations regarding the fire service installations proposal as set out in Appendix III of the Paper should be observed;
- (c) to note the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department's comments that :
 - (i) all unauthorized building works/structures should be removed;
 - (ii) all building works were subject to compliance with the Buildings Ordinance (BO);

- (iii) Authorised Person should be appointed to co-ordinate all building works; and
 - (iv) the granting of the planning approval should not be construed as an acceptance of any unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (d) to note the Director of Food and Environmental Hygiene's comments that, for the proposed food kiosk and catering area, appropriate food licence in accordance with the relevant provisions of the Food Business Regulation (Cap. 132X) should be obtained for conducting any food business at the application site;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should avoid adverse impacts to the streams at the northern and southern part of the application site, as well as the mature trees in the "Green Belt" zone to the east of the site which was covered by the approved Hebe Haven Outline Zoning Plan No. S/SK-HH/6; and
- (f) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site from Hiram's Highway should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly.

[The Chairperson thanked Mr. Charles C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 7

Section 16 Application

[Open Meeting]

A/FSS/195 Proposed Residential Institution and Columbarium
in “Government, Institution or Community” zone,
Annex Structures, Kun Chung Temple,
12 Chi Fuk Circuit, Fanling (FSSTL 187) (Part)
(RNTPC Paper No. A/FSS/195)

18. The Committee noted that the applicant requested on 9.6.2010 for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare supplementary information to address the comments of Transport Department.

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

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

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-FTA/101 Temporary Container Vehicle, Heavy and Medium Goods Vehicle and Private Car Park, Loading/Unloading and Storage Yard for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses”, “Agriculture” and “Green Belt” zones, Lots 168 RP (Part), 170 RP (Part) and 181 RP (Part) in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/101)

20. The Committee noted that the applicant requested on 14.6.2010 for a deferment of the consideration of the application for two months as the applicant was discussing with the Transport Department on the details of submission of plans to support the application.

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

[Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, Senior Town Planners/Shia Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/140 Renewal of Planning Approval for Temporary ‘Container Trailer/
Tractor Park’ Use under Application No. A/NE-KTN/121
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots 868 RP (Part), 869, 870, 871 (Part), 872, 873 and 874 in D.D. 95,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/140)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘container trailer/tractor park’ use under Application No. A/NE-KTN/121 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Kwu Tung North New Development Area (NDA). As the site formation works for the NDA development were tentatively scheduled to commence in 2014/2015, it was suggested that the effective period of permission for the application should only be granted to a date not later than the year of 2013;
- (d) two public comments were received during the statutory publication period. One comment from a member of the public indicated ‘no comment’ on the application. The other comment from Designing Hong Kong Limited raised objection to the application on the grounds that the applied use

would cause environmental blight and was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone, and the site was not suitable for open storage use in Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E. The commenter suggested that, if the application was approved, a condition on the provision of landscaping and peripheral fencing should be imposed;

- (e) the District Officer (North) advised that while the Chairman of Sheung Shui District Rural Committee and the village representatives of Ho Sheung Heung had no comment on the application, the concerned North District Council member objected to the application on the grounds that the applied use would aggravate traffic congestion of the sub-standard Ho Sheung Heung Road, cause noise nuisance to nearby residents and pollute the environment and nearby Sheung Yue River, and might have adverse impacts on the ecology and landscape of Long Valley; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding land uses which mainly comprised container vehicle park, logistic centres, waste recycling centre, Lok Ma Chau Spur Line and vacant land. Although DEP and one public commenter raised objection to the application on the grounds of noise nuisance, it was noted that the applicant would maintain the existing noise barriers along the access road as well as the site boundary, and no environmental complaint in relation to the application site had been received in the past three years. Nonetheless, to minimize the potential environmental impacts on the surrounding residents, approval conditions restricting the operation hours as well as the management and maintenance of existing noise mitigation measures were recommended. Moreover, the applied use was in line with the TPB Guidelines No. 13E and 34A in that the application site was the subject of four previous approved applications; the applicant of the current application, who was the same as the last two approved applications No. A/NE-KTN/108 and 121 for the same use, had

complied with all the approval conditions under the last two previous applications; there was no material change in planning circumstances since the previous temporary approval was granted; and the approval period sought, which was the same as the previous approval, was reasonable. In this regard, sympathetic consideration could be given to the current application. Regarding the local objection on the grounds of adverse traffic, ecological and landscape impacts, it was noted that the Commissioner for Transport, the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had no adverse comment on the application. In addition, the current application would not frustrate the long-term planning intention of the “CDA” zone and was in line with the TPB Guidelines No. 13E. Besides, the suggested conditions on landscaping and provision of fencing to mitigate the environmental blight had been recommended.

23. In reply to the Chairperson’s question, Ms. Doris S.Y. Ting confirmed that the applicant had complied with all the approval conditions under the previous approved application (No. A/NE-KTN/121). However, the CTP/UD&L of PlanD, at the site visit conducted in May 2010, noted that while most existing trees were generally in good condition, some trees were missing and there were dumping/stacked objects close to the tree trunks. Hence, should the application be approved, the CTP/UD&L recommended imposing approval conditions to require the submission and implementation of landscaping and tree maintenance proposals.

Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.7.2010 to 13.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 9:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the existing access road should be managed and maintained at all times during the planning approval period;
- (d) the existing noise mitigation measures should be managed and maintained at all times during the planning approval period;
- (e) the existing drainage facilities should be properly maintained and rectified if they were found inadequate/ineffective at all times during the planning approval period;
- (f) the existing peripheral fencing and the installed gate should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site as implemented on the same site in the previously approved application (No. A/NE-KTN/101) within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2010;
- (h) the submission of landscaping and tree maintenance proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2011;
- (i) in relation to (h) above, the implementation of the approved landscaping and tree maintenance proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 13.4.2011;
- (j) the submission of proposals for fire service installations within 6 months

from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2011;

- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.4.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner of the application site;
- (b) to note the Commissioner for Transport's comments that:
 - (i) the existing access road connecting the application site to Ho Sheung Heung Road was not managed by the Transport Department; and
 - (ii) the land status of the concerned access track should be checked with the lands authority, and the management and maintenance responsibilities of the access track should be clarified with relevant lands and maintenance authorities accordingly;
- (c) to note the Chief Engineer/Railway Development, Railway Development Office, Highways Department's comments that:

- (i) the application site fell within the administrative route protection boundary of the future Northern Link. Although the programme of the proposed rail link was still under review, the area should be vacated at the time of railway development; and
 - (ii) as part of the site (including Lot 871 in D.D. 95) fell within the railway protection boundary of Lok Ma Chau Spur Line, Mass Transit Railway Corporation Limited should be consulted on the section of railway protection to ensure safe operation and proper protection of the existing Lok Ma Chau Spur Line and its associated railway related works in the area;
- (d) to note the Director of Fire Services' comments that approved portable hand-operated appliances should be provided for standalone removable shroff with floor area less than 230m². Upon completion of the installation of fire service installations, the Certificate for Fire Service Installations and Equipment (FS251) for the subject FS equipment should be submitted to his office;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that precautionary measures should be undertaken to avoid any potential disturbance, particularly in terms of surface runoff, to the surrounding environment where a water course was running along the western boundary of the application site;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that:
- (i) for provision of water supply to the application site, 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (ii) the application site was located within the WSD flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should replace the missing trees, maintain the trees in good conditions, and provide at least 1 m space between the trees and the stored materials or parked vehicles/container vehicles; and
- (h) to follow the environmental measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' to minimize the potential environmental impacts on the adjacent area.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/291 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 94,
Tong Kung Leng, Sheung Shui
(RNTPC Paper No. A/NE-KTS/291)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from nature conservation point of view as the proposed development and associated site formation works might involve extensive vegetation clearance at the application site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. The application site was within the “Green Belt” (“GB”) zone which was situated on a gentle sloping knoll covered with dense woodland of mature trees and understorey vegetation. This dense woodland formed a natural green buffer to the village of Tong Kung Leng and was a valued landscape resource to the area. The proposed Small House was considered incompatible to the existing landscape character of the surroundings. The areas affected by the proposed development would likely be beyond the site boundary. While no tree survey was submitted, it was expected that a large number of existing mature trees would be felled resulting in severe adverse landscape impact. The proposed Small House would encourage further extension of the village area and encroachment onto the “GB” zone. Given that the application site was sufficient only for a Small House, there would be no opportunity for landscape mitigation measures on site to alleviate the adverse landscape impact arising from the proposed development;
- (d) two public comments were received during the statutory publication period. While one comment from a member of the public supported the application, the other one from Designing Hong Kong Limited raised objection to the application on the grounds that the proposed development was incompatible with the zoning intention and character of the area, as well as the lack of a sustainable village layout with quality design and infrastructures for the area would cause adverse impacts on the living environment and well being of residents, and create health/social problems and future costs to the society;

- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member, the Indigenous Inhabitants' Representatives and Residents' Representative of Tong Kung Leng had no comment on the application; and

- (f) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. The proposed Small House development complied with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the footprint of the Small House fell entirely within the village 'environs' ('VE') of Tong Kung Leng, and there was a general shortage of land in the "Village Type Development" ("V") zone of the same village to meet the demand for Small House development. Hence, sympathetic consideration could be given to the application. It was noted that the applicant previously obtained planning permission (Application No. A/NE-KTS/243) on 2.3.2007 for a proposed Small House to the south-west of the current application site. However, the Lands Department (LandsD), taking into account the need to better utilize Government Land, impact on the existing vegetation cover and site formation requirements, proposed to shift the approved Small House under Application No. A/NE-KTS/243 northward to the current application site so that it would be accommodated on a single platform with three other Small Houses approved under Applications No. A/NE-KTS/241, 242 and 268. In this regard, the applicant submitted the current application to follow LandsD's advice. The approved Small House under Application No. A/NE-KTS/243 and the proposed Small House in the current application were located within the same "GB" zone. Regarding the objection/adverse comments of CTP/UD&L, DAFC and a public commenter, it should be noted that the current application site was located to the immediate east of the "V" zone of Tong Kung Leng and fell entirely with its 'VE'. The proposed Small House was considered not incompatible with the adjacent village setting. Besides, four similar applications (No. A/NE-KTS/241 to 243 and 268) for four proposed Small Houses had been approved on review by the Town Planning Board (the Board) or the Committee. Sympathetic consideration

could be given to this application. Other relevant Government departments, including LandsD, Transport Department, Drainage Services Department and Environmental Protection Department, had no objection to the application.

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

27. By referring to Plan A-2 of the Paper, the Chairperson noted that the application site would encroach onto a track and asked whether it would affect the use of this track by local residents. Ms. Doris S.Y. Ting said that the track as shown on the plan was in fact covered by vegetation and not being used as an access track.

28. A Member noted that DAFC had reservation on the application as it would involve extensive vegetation clearance at the application site, but LandsD requested the applicant to shift the proposed Small House to the current application site. This Member requested PlanD to elaborate on this point. Ms. Doris S.Y. Ting said that, as stated in paragraph 3 of the Paper, four proposed Small Houses under Applications No. A/NE-KTS/241, 242, 243 and 268 had been approved on review by the Board or the Committee in 2007 and 2008 respectively. In processing the applications for land grant for these four Small Houses, LandsD proposed to shift the location of the Small House under Application No. A/NE-KTS/243 so that all the four Small Houses would be built on a single platform which could achieve a better utilization of Government land. She added that the application site was currently covered with natural vegetation and the platform to accommodate the four Small Houses was yet to be formed.

Deliberation Session

29. Mr. Ambrose S.Y. Cheong, by referring to the application form in Appendix I of the Paper and Highways Department's comments in Appendix V of the Paper, noted that there was an access track leading to the site. He suggested incorporating an advisory clause to request the applicant to check with relevant authorities on the land status and the management/maintenance responsibilities of the concerned access track. Members agreed.

30. 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 25.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that:
 - (i) for provision of water supply to the proposed development, 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;

- (c) to note that the permission was only given to the development under application. If the 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; and
- (d) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/336 Proposed Temporary Dog Club (including a Dog Swimming Pool)
for a Period of 3 Years in "Agriculture" zone,
Lots T14 RP (Part) and 1342 RP (Part) in D.D. 82,
Ping Che Road, Fanling
(RNTPC Paper No. A/NE-TKL/336)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary dog club (including a dog swimming pool) for a period of 3 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the agricultural activities in the vicinity were active, and the subject site and its neighbouring abandoned land were graded “good” agricultural land and had high potential for agricultural rehabilitation. The Project Manager/New Territories North and West, Civil Engineering and Development Department advised that the application site fell within the Ping Che/Ta Kwu Ling New Development Area (NDA). As the site formation works for the NDA development were tentatively scheduled to commence in 2014/15, it was suggested that the effective period of permission for the application should only be granted to a date not later than the year of 2013;
- (d) two public comments were received during the statutory publication period. While one comment from a member of the public supported the application without giving any reason, the other comment from Designing Hong Kong Limited raised objection to the application on the grounds that the use of the site for open storage would cause environmental blight and was not in line with the planning intention of the “Agriculture” (“AGR”) zone; and the site was not suitable for open storage uses as the area fell into Category 3 under the open storage planning criteria;
- (e) the District Officer (North) advised that the Resident Representatives (RR) of Lei Uk and the Indigenous Inhabitants Representatives (IIR) of Tong Fong supported the application while the Vice-Chairman of Ta Kwu Ling District Rural Committee, IIR of Lei Uk, RR of Tong Fong and RR of Tai Po Tin had no comment on the application; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. While DAFC did not support the application from agricultural development point of view, it was considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the

“AGR” zone. The proposed use was also considered not incompatible with the surrounding areas which were predominantly a mix of unused land, orchards, fallow or active agricultural land, vehicle repair workshop, open storage yards, domestic use and government/institution/community facilities. To minimize environmental nuisance to the surrounding areas, the applicant had proposed to restrict the operation hours of the dog club from 10:00 a.m. to 6:00 p.m. daily and no dog caring service and animal boarding establishment was proposed. In addition, the applicant had proposed amenity planting in the form of planters and the use of pool water for irrigation purpose (pollutants would be collected by dense net before pumping out for irrigation). Septic tank and drainage pipes were also proposed within the application site. The proposed use would unlikely cause adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. As regards the public comment against the application on the grounds that the site was not suitable for open storage use, it should be noted that the application did not involve any open storage use. Since the last approval (Application No. A/NE-TKL/319) was revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the progress of compliance should the application be approved. The applicant would also be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

33. In response to the Chairperson’s question, Ms. Doris S.Y. Ting said that the proposed layout plan at Drawing A-1 of the Paper did not cover the whole application site, but only Lot T14 RP.

Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no dog caring or boarding services should be carried out on the application site at any time during the planning approval period;
- (c) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.9.2010;
- (d) in relation to (c) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.12.2010;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.9.2010;
- (f) in relation to (e) above, the implementation 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 25.12.2010;
- (g) the provision of a rectified run-in/out within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.9.2010;
- (h) the submission of proposals on water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.9.2010;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB

by 25.12.2010;

- (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; and
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed in order to monitor the progress of compliance of approval conditions on the site;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to resolve any land issue relating to the development with concerned owner of the application site;
- (e) to note the District Lands Officer/North's comments that application for Short Term Waiver should be made to regularize the structures erected on the application site;
- (f) to note the Director of Environmental Protection's comments that :
 - (i) as the operation noise from noisy equipment/plant was subject to

control under the Noise Control Ordinance, proper design of such equipment/plant to avoid noise impact to nearby sensitive receivers was essential; and

- (ii) the proposed septic tank would be subject to licensing requirements under the Water Pollution Control Ordinance and the development should not discharge sewage into the open channel nearby via the septic tank;
- (g) to note the Director of Fire Services' comments that reference should be made to the requirements set out in paragraph 9.1.7 (a) of the Paper in formulating the fire service installations proposal;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that :
 - (i) the application site was located within WSD flood pumping gathering ground;
 - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (iii) the applicant should comply with the latest effluent discharge requirements stipulated in the Water Pollution Control Ordinance;
 - (iv) U-channels should be constructed to circumscribe each dog activity area to intercept runoff from within the area. The runoff should be led to a manhole and be discharged through a pipe system to a septic tank and then to a soakaway pit. Gratings, 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;
 - (v) the septic tank and soakaway pit system should be at least 30m away from any watercourses and should be designed and constructed in accordance with the latest requirements of Environmental Protection

Department (EPD). The whole system should be properly maintained and desludged at a regular frequency. The sludge should be carried away and disposed of properly outside the gathering grounds;

- (vi) the whole of the foul drainage from the dog swimming pool should be conveyed to the septic tank and soakaway pit system;
 - (vii) licensing of the septic tank and soakaway pit system was required by EPD if the site fell within a Water Control Zone;
 - (viii) no chemicals, including fertilizers, pesticides or herbicides, were allowed to be used without prior approval of WSD; and
 - (ix) for provision of water supply to the development, 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
- (i) the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found;
 - (ii) use of container as office was considered as temporary building and subject to control under Building (Planning) Regulations (B(P)R) Part VII; and
 - (iii) formal submission of any proposed new works (such as excavation work for building a dog swimming pool), including any temporary

structure, was required for approval under the BO. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Also, the applicant's attention was drawn to B(P)R41D regarding the provision of emergency vehicular access to the proposed development.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/705 Shop and Services (Showroom and Retail Shop)
in "Industrial" zone,
Workshop 6 (Portion A), Level 1, Wah Yiu Industrial Centre,
30-32 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/705)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (showroom and retail shop);
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin);
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The showroom and retail shop under application was considered not incompatible with the adjoining units on the street level of the same industrial building which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Based on the Town Planning Board (TPB) Guidelines No. 25D, the aggregate commercial floor area on the ground floor of an industrial building with sprinkler system should not exceed 460m². As the remaining aggregate commercial floor area for the subject industrial building was 435m², approval of the current application involving a floor area of about 19m² would not exceed the maximum permissible limit of 460m². In this regard, the Director of Fire Services had no objection to the application subject to the approval conditions on fire safety measures and provision of a means of escape completely separated from the industrial portion. The application was in line with the TPB Guidelines No. 25D as the applied use would have direct discharge to street and would not adversely affect the traffic conditions in the local road network. However, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of proposals for fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 25.12.2010;

- (b) in relation to (a) above, the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of 3 years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use;
- (d) to note the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department's comments that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (e) to note the Director of Fire Services' comments that a means of escape completely separated from the industrial portion should be available. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters in

relation to fire resisting construction for the application premises, the applicants were advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and

- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/408 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/408)

Presentation and Question Sessions

40. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as approval of the application would set an undesirable precedent to other Small House

applications in the area, leading to further encroachment of village development in the subject “Green Belt” (“GB”) zone;

- (d) two public comments were received during the statutory publication period. The public comment from Kadoorie Farm and Botanic Garden Corporation was concerned about the use of septic tank would pollute the Kau Lung Hang Ecologically Important Stream (EIS) which was in close proximity to the application site, and that approval of the application would degrade the function and value of the subject “GB” zone. The other comment submitted by Designing Hong Kong Limited objected to the application as the site fell within the “GB” zone and there was a lack of sustainable village layout plan for the area; and

- (e) the PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The applications met the interim criteria for assessing planning application for NTEH/Small House development in the New Territories in that the proposed Small House footprint fell entirely within the village ‘environs’ of Kau Lung Hang Lo Wai, Kau Lung Hang San Wai and Yuen Leng, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the villages concerned. The application site fell within the upper indirect water gathering ground, and the Drainage Services Department advised that public sewers would be laid in the vicinity under the village sewerage scheme for Kau Lung Hang area. Since the proposed Small House would be able to be connected to the planned public sewerage system, both the Water Supplies Department and the Environmental Protection Department (EPD) had no objection to the application. The site was located at the northern fringe of Kau Lung Hang Lo Wai where existing village houses were found to the immediate west of the site. Although the application was not in line with the planning intention of the “GB” zoning for the area and concerns were raised by the CTP/UD&L of PlanD and the public commenters, the proposed Small House was considered compatible with the existing village setting and there were no existing trees on site.

Regarding the public comment concerning the Kau Lung Hang EIS, it was noted that the proposed Small House would be able to be connected to the planned sewerage system in the area. Provided that the proposed house would be occupied only when the planned sewerage system was available, EPD considered that sewage discharge from the proposed house would not cause water pollution problem to the stream as the sewage would be directly discharged into the sewerage system.

41. Members had no question on the application.

Deliberation Session

42. In response to a Member's enquiry, Ms. Jessica K.T. Lee replied that while there were three Small Houses to the immediate west of the application site which were approved by the Town Planning Board (TPB) in 1995, a number of applications for Small House development had been rejected by the TPB and one of the main reasons was that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area. This Member asked whether the "GB" zoning for the area concerned was still appropriate as a few Small Houses had been approved and built in this "GB" zone. The Secretary explained that the land use zonings shown on the outline zoning plans (OZPs) were broad-brush in nature to illustrate the broad principles of development. To allow flexibility for development, planning permission might be sought from the TPB in accordance with the Notes of the OZP concerned. The Chairperson added that when the TPB considered a planning application, appropriate approval conditions could be imposed to ensure that the proposed development/use would not cause adverse impacts on the surrounding areas.

43. Another Member was concerned about the encroachment of developments onto the "GB" zone which was intended to define the limits of urban and sub-urban developments and to contain urban sprawl. The Secretary explained that, as set out in the Notes of the OZP and the TPB Guidelines No. 10 on application for development within "GB" zone, there was a general presumption against development within the "GB" zone. The Committee would normally adopt a prudent approach in assessing the applications for development within the "GB" zone. However, in order to meet the demand for Small Houses under the current New Territories Small House Policy, sympathetic consideration might be given by the

TPB for the development of Small Houses in the “GB” zone taking into account various considerations such as site condition, land use compatibility and environmental impacts if there was a general shortage of land within the “V” zone to meet the demand for Small Houses from indigenous villagers. Each case would be assessed by the TPB on individual merits. The Chairperson also said that the TPB strived to balance between the conservation of natural environment and meeting the demand for Small Houses. In this regard, the TPB had promulgated the TPB Guidelines No. 10 and the interim criteria for assessing planning applications for NTEH/Small House development in the New Territories. The Secretary added that should there be an increasing number of Small Houses approved within the “GB” zone, PlanD would conduct a land use review to examine the situation and propose adjustment to the zoning boundaries where appropriate.

44. A Member said that the Small House Policy existed before the designation of land use zonings on the subject OZP. There was a mismatch between the permitted uses within the land use zones and the indigenous villagers’ right to build their Small Houses within the villages concerned. The planning application system could provide a mechanism to accommodate the need to protect the natural environment in the New Territories on one hand, and to provide adequate and suitable land to meet the demand for Small Houses on the other hand.

45. Another Member said that while the proposed Small House was located near the Kau Lung Hang EIS, it was noted that the Small House would be connected to public sewers prior to its occupation. As such, there was no objection to the proposed development. Considering the fact that the current application site fell entirely within the ‘VE’ of the villages concerned, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the villages concerned, and the proposed Small House was able to be connected to the planned sewerage system in the area, other Members agreed that the subject application generally complied with the ‘interim criteria’.

46. 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 25.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) 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.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the Practice Note for Authorized Persons and Registered Structural

Engineers No. 295 on 'Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works' issued by the Buildings Department, in particular Appendix B on 'Guidelines on Developing Precautionary Measures during the Construction Stage', should be followed so as to avoid disturbance to the Ecologically Important Stream (EIS) nearby and causing water pollution;

- (f) to note the Chief Engineer/Project Management, Drainage Services Department (DSD)'s comments that the proposed sewerage scheme might need to be revised in the course of land acquisition subject to finalization with other Government departments and actual construction of the planned sewerage, and as a result of consultation with the village representatives and villagers;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 4 of Appendix VI of the Paper;
- (h) to note the Chief Engineer/Mainland North, DSD's comments that the vehicular bridge across the existing EIS adjacent to the application site would be demolished and reprovided under the 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' (DSD Contract No. DC/2006/09). If the construction works of the proposed house would commence in the near future, the applicant should liaise with Chief Engineer/Drainage Project of DSD regarding means of access to the application site;
- (i) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (j) to note the Commission for Transport's comments that the land status of the access road leading to the site from a public road should be checked with the lands authority, and the management and maintenance

providing power supply to the nearby Small House developments within and near the subject “Village Type Development” (“V”) zone. The proposed electricity package substation was small in scale, having a land take of about 12m² and a height of about 3m. The Director of Electrical and Mechanical Services had no objection to the application as far as safety and reliability were concerned. Moreover, the proposed development was considered not incompatible with the surrounding landscape and rural setting. In view of the scale and design of the proposed electricity substation and the site contained no existing trees, it was unlikely that the proposed substation would have adverse impact on the surrounding landscape. Both the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. In addition, there was a similar application (No. A/TP/390) in the same “V” zone which was approved by the Committee in June 2007. The current application might warrant the same consideration of the approved similar application for the electricity package substation within the same “V” zone.

49. Members had no question on the application.

Deliberation Session

50. Mr. Ambrose S.Y. Cheong suggested revising the advisory clause (e) in paragraph 11.2 of the Paper by specifying that the applicant should be advised of the Transport Department’s comments in paragraph 8.1.5 (b) only. Members agreed.

51. 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 25.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the

TPB; and

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Tai Po for approval of the proposed development by way of Short Term Waiver;
- (b) to apply to the District Lands Office/Tai Po for approval of any excavation works to be carried out on Government land;
- (c) to provide details of the proposed emergency vehicular access (EVA) for the District Lands Officer/Tai Po to check the land status;
- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the landscape proposal submitted was not acceptable as the plan failed to show the orientation of the building; the application boundary was not shown; the proposed quantity of plants was considered inadequate to provide the desired screening effect; and drainage had not been provided for the closed bottom planters. There should be adequate space to provide screening for the proposed electricity package substation;
- (e) to note the Commissioner for Transport's comments that the proposed EVA was not under Transport Department's jurisdiction. The land status of the proposed EVA leading to the site from a public road should be checked with the lands authority, and the management and maintenance responsibilities of the proposed EVA should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (g) to note the Director of Health's comments that, upon commissioning of the electricity package substation, the relevant parties should verify the actual compliance with the International Commission on Non-Ionising Radiation Protection guidelines with direct on site measurements;
- (h) to note that the access adjoining the subject site was not maintained by the Highways Department;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of the proposed development for approval under the Buildings Ordinance was required if the proposal did not fall within the New Territories Exempted House criteria to which the Buildings Ordinance (Application to New Territories) (Cap. 11) applied;
- (j) to note the Director of Electrical and Mechanical Services' comments that as the package transformer was to provide electricity supply to the nearby customers at the subject location, the associated electricity demand should be provided by the nearby substation as far as possible;
- (k) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that there was no existing public stormwater drains maintained by DSD which were available for connection in this area. The applicant should ensure that the proposed installation would not obstruct overland flow, and free flow condition should be maintained before and after the proposed works. The applicant should take all precautionary measures to avoid damage of the existing drainage facilities, verify the actual site condition by sub-surface explorations before carrying out any works, and be responsible for making good the damage at his own cost; and
- (l) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the proposed development, 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 be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

[The Chairperson thanked Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting and Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 15

Section 16 Application

[Open Meeting]

A/YL-PS/320 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles with Ancillary Car Beauty Service for a Period of 3 Years in "Village Type Development" zone,
Lots 1804 (Part), 1805 (Part), 1808 RP, 1809 RP (Part),
1810 RP (Part) and 1817 (Part) in D.D. 124,
San Lee Uk Tsuen, Yuen Long
(RNTPC Paper No. A/YL-PS/320)

53. The Committee noted that the applicant's representative requested on 6.6.2010 for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the comments of Transport Department, Fire Services Department and Agriculture, Fisheries and Conservation Department.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/YL-NTM/235 Proposed Comprehensive Low-density Residential Development
in “Comprehensive Development Area” zone,
Various Lots in D.D. 104 and Adjoining Government Land,
East of Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/235D)

55. The Committee noted that the applicant requested on 15.6.2010 for a deferment of the consideration of the application for two months as the applicant had arranged a meeting with the Environmental Protection Department to resolve some fundamental environmental issues related to the application.

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

[Mr. Kepler S.Y. Yuen, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/682 Temporary Open Storage of Construction Machinery, Trucks,
Goods Compartments of Dump Trucks for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 111 (Part), 112 (Part), 113 (Part), 114 (Part), 115 S.A (Part),
115 RP (Part), 117 (Part), 132 (Part), 133 (Part), 134 (Part),
269 (Part) and 728 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/682)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery, trucks, goods compartments of dump trucks for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road), and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council member raising objection to the application on the grounds that the site was close to residential dwellings, and loading/unloading of goods and workshop activities on the site would generate serious noise and dust nuisances to nearby residents; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years

based on the assessments set out in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards. Besides, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. The development was in line with the Town Planning Board (TPB) Guidelines No. 13E in that the concerns of DEP and the public commenter could be addressed by way of approval conditions, and there was no adverse comment from other concerned Government departments. The technical concerns of departments on drainage, landscape and fire safety aspects could also be addressed by relevant approval conditions. To address DEP’s concerns and to mitigate any potential environmental impacts, approval conditions on restricting the operation hours and prohibiting workshop activities were recommended. Due to the demand for open storage uses in the area, the Committee/the TPB had recently approved a number of similar applications within the same “CDA” zone for various temporary open storage/port back-up uses. Since the granting of these planning approvals, there had been no material change in the planning circumstances. For the public comment received, it was noted that the applicant had decided to discontinue the ancillary workshop use on site. Moreover, approval conditions had been recommended to restrict the operation hours and prohibit workshop activities so as to address the commenter’s concern on environmental nuisance.

58. In response to the Chairperson’s enquiry, Mr. Kepler S.Y. Yuen said that the application site was currently used for the applied open storage and ancillary workshop uses without valid planning permission. However, in view of departmental comments, the applicant had deleted the ancillary workshop use from the current application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activities were allowed to be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) the implementation of the accepted 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 25.12.2010;
- (e) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.12.2010;
- (f) in relation to (e) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.3.2011;
- (g) the submission of a fire service installations proposal, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2010;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011;

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

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the permission was given to the use/development under application. It did not condone to the workshop activity or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. If the agricultural structures on Lots 113 and 269 S.D in D.D. 125 permitted under the Letters of Approval No. MT/LM 14404 and 13998 were converted for non-agricultural

purposes, his office would arrange to terminate the permit as appropriate. Application for Short Term Waiver (STW) should be made to regularize the unauthorized structures on site. Should no STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owner. Access to the site from Ping Ha Road would pass through other private land and his office did not provide maintenance works to the track or guarantee the right-of-way;

- (e) 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 to minimize any potential environmental nuisance;
- (f) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the access road to the site was located near Ping Ha Road which was within the works limit of 'Ping Ha Road Improvement Works (Ha Tsuen Section)' (Contract No. CV/2006/01), the construction works for which had already commenced in December 2007 for completion in end 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (h) to note the Director of Fire Services' comments on the requirements of formulating fire service installations (FSI) proposals as stated in Appendix IV of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan. The layout plan should

be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plan. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that existing structures without approval under the Buildings Ordinance (BO) should be removed; any temporary buildings were subject to control under Building (Planning) Regulation (B(P)R) Part VII; means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D should be provided; formal submission under the BO was required for any proposed new works, including temporary structures; and if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (j) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the existing water mains would be affected. The applicant should bear the costs of the necessary diversion works for the water mains affected by the development. In case it was not feasible to divert the affected water mains, an area within 1.5m from the centreline of the water mains should be provided to the WSD. No structure should be erected over this area and such area should not be used for storage purpose. 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.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/494 Renewal of Planning Approval for Temporary ‘Open Storage of Private Vehicles’ Use under Application No. A/YL-KTS/414 for a Period of 3 Years in “Agriculture” zone, Lots 1023 (Part), 1024 (Part) and 1026 RP (Part) in D.D. 113 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/494)

Presentation and Question Sessions

61. Mr. Kepler S.Y. Yuen, STP/TMYL, reported that the replacement page 12 for the Paper was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘open storage of private vehicles’ use under Application No. A/YL-KTS/414 for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application from agricultural point of view. Although the site was a disturbed area currently used for storage purpose, active agricultural activities were still found in its vicinity and there was rehabilitation potential of the site for agricultural purpose. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential dwellings) located to the north and west of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the proposed use was not in line with the planning

intention of the “Agriculture” (“AGR”) zone for the area, and the site was not suitable for open storage use which fell within Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E. The commenter suggested that, if the application was approved, a condition on the provision of landscaping and peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “AGR” zone and DAFC was not in favour of the application, these issues had been considered by the TPB in approving the last Application No. A/YL-KTS/414. The planning permission was granted by the TPB on review mainly on sympathetic consideration that the character of the area had been changed with the implementation of the West Rail and it was difficult to reinstate the site for agricultural use. A shorter approval period and appropriate approval conditions had been imposed to monitor the situation on the site and to address the departmental/public concerns. Given its temporary nature, the development would not jeopardize future rehabilitation of the site for agricultural purposes and the planning intention of the “AGR” zone. Moreover, the subject renewal application was in line with the TPB Guidelines No. 13E and 34A. Approval conditions in relation to landscape, drainage and fire safety aspects had been complied with under the last application (No. A/YL-KTS/414), and no adverse comment on the current application was received from relevant departments except DAFC and DEP. There was also no major change in the planning circumstances. In this regard, sympathetic consideration could be given to the current renewal application. To address DEP’s concerns on environmental nuisance, approval conditions restricting the operation hours and types of vehicles and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. For the local objection, it should be noted that the TPB had taken into account the planning intention of the area in approving the last application No. A/YL-KTS/414. Besides, approval

conditions under the last application had been fulfilled and there was no adverse comment from relevant departments on the application or the departmental concerns could be addressed by appropriate approval conditions. To minimize the potential impacts of the development on the surrounding areas, approval conditions restricting the operation hours and types of vehicles, prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and maintenance of the existing landscaping trees and drainage facilities were recommended.

62. Members had no question on the application.

Deliberation Session

63. As there was an access track leading to the site from Kam Ho Road, Mr. Ambrose S.Y. Cheong suggested incorporating an advisory clause to request the applicant to check with relevant authorities on the land status and the management/maintenance responsibilities of the concerned access track. Members agreed.

64. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 12.7.2010 until 11.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays and no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;

- (d) no medium or heavy goods vehicles 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;
- (e) the existing landscaping trees on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.1.2011;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that no permission had been given for the erection of structures (including converted-containers) on the site and the occupation of Government land. Besides, the north-eastern part of the site fell within GLA-TYL 822 allocated to the Water Supplies Department for Agreement No. CE 1/2005 (WS) 'Replacement and Rehabilitation of Water Mains Stage 2 – Mains in New Territories West – Investigation, Design and Construction'. Access to the site from Kam Ho Road ran through part of this land allocation for the project, and the Chief Engineer/Consultants Management of WSD should be consulted. His office did not provide maintenance works thereto nor guarantee the right-of-way. The occupier of the Government land and the registered owner of the lots concerned should apply to his office for Short Term Tenancy/Waiver (STT/STW) to regularize the above irregularities. Should no STW/STT application be received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement/control action against the registered owner/occupier;
- (c) 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 Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Ho Road;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that there should be no change to the drainage works previously implemented on site under the previous Application No.

A/YL-KTS/414. The agreed drainage facilities on site should be maintained in good condition without causing adverse drainage impact to the adjacent areas;

- (f) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (h) to note the Commissioner for Transport's comments that the land status of the concerned access track should be checked with the lands authority, and the management and maintenance responsibilities of the access track should be clarified with relevant lands and maintenance authorities accordingly.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/496 Renewal of Planning Approval for Temporary ‘Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials’ Uses under Application No. A/YL-KTS/397 for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 476 RP (Part) and 477 in D.D. 106,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/496)

Presentation and Question Sessions

66. Mr. Kepler S.Y. Yuen, STP/TMYL, reported that the replacement page 11 for the Paper was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials’ uses under Application No. A/YL-KTS/397 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential dwellings) located to the south and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments were received from a member of the public and a Yuen Long District Councillor. The commenters expressed concerns on the stacking of vehicles within the site which would cause safety problem when the villagers passed by the site. The drainage channel was not cleared causing serious mosquito nuisance.

The development would also generate adverse traffic impact on Kam Sheung Road; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of 3 years based on the assessments set out in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding areas which were mixed with open storage yards, warehouses, residential structures, cultivated/fallow agricultural land and vacant/unused land. A similar application (No. A/YL-KTS/493) for renewal of planning approval for temporary open storage of forklifts was recently approved with conditions by the Committee on 11.6.2010. As there was no known development programme for the subject “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) site, temporary permission could be considered to make good use of the land resources. Moreover, the subject renewal application was in line with the Town Planning Board Guidelines No. 13E and 34A in that similar previous approvals had been granted since 1997; approval conditions in relation to fire safety aspect under the last application (No. A/YL-KTS/397) had been complied with; no adverse comment on the current application was received from relevant departments except DEP; and there was no major change in the planning circumstances. In this regard, sympathetic consideration could be given to the subject renewal application. Although DEP did not support the application, it was noted that the site was adjacent to Kam Sheung Road with direct access to the road, and traffic generated from the site would not pass through major village settlements in the area. To address DEP's concerns on the possible nuisance caused by the temporary use, approval conditions restricting the operation hours and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Regarding the public comments, it was noted that relevant departments including the Police, the Drainage Services Department and the Transport Department had no adverse comment on the application.

67. In reply to the Chairperson's question, Mr. Kepler S.Y. Yuen said that the residential structure in the middle of the application site was occupied by the applicant. In response to a Member's enquiry, Mr. Yuen said that approval conditions in relation to fire safety aspect had been imposed under the previous application No. A/YL-KTS/397 and the applicant had complied with the requirements of Fire Services Department (FSD). Based on FSD's advice, similar approval conditions on fire service installations were recommended for this renewal application with a view to review and check the fire safety measures on site.

Deliberation Session

68. A Member asked how would the public commenter's concerns on the safety problem caused by the stacking of vehicles within the site be addressed. The Secretary suggested that PlanD could approach the applicant advising him to address the concerns of the commenters. Members agreed.

69. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.7.2010 until 13.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained

at all times during the planning approval period;

- (f) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2011;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.4.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that Building licence (BL) No. 308 for Lot 477 was granted in 1973 to permit the

erection of a New Territories Exempted House with a built-over area (BOA) of 65.03m². Short Term Waiver (STW) No. 2795 was granted to permit the erection of structures with a BOA of 44.1m² on Lot 476RP and a BOA of 358.54m² on Lot 477 with a maximum building height of 5m for the storage of vehicles, metal and PVC pipes and ancillary use. His office reserved the right to take enforcement action if there was any breach of the BL or STW conditions. Besides, earlier record indicated that the site with fencing on the eastern side had extended onto some adjoining Government land for which no permission had been given for its occupation. Clarification from the applicant was required. Access to the application site was from Kam Sheung Road with a short stretch of Government land for which his office had no maintenance on it nor guaranteed its right-of-way;

- (c) to adopt environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that there should be no change to the drainage works previously implemented on site under the previous Application No. A/YL-KTS/397, and the drainage facilities on site should be properly maintained without causing any adverse drainage impact to the adjacent areas at all times;
- (f) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, relevant layout plans

incorporated with the proposed FSIs should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures, reference should be made to the requirements set out in Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Besides, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/156 Proposed Public Utility Installation (Electricity Package Substation) and Excavation of Land in "Village Type Development" zone, Lots 1349 S.K and 1349 RP (Part) in D.D. 112, Shui Tsan Tin Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/156)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed public utility installation (electricity package substation) and excavation of land;
- (c) departmental comments – the Director of Environmental Protection considered that this small-scale development would unlikely cause significant and unacceptable environmental impact on the surrounding areas. As the development would not affect any existing trees, the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the application from nature conservation and landscape planning points of view;
- (d) during the statutory publication period, one public comment was received raising objection to the application on the grounds that excavation of land involved in the development of the proposed electricity package substation would affect the *fung shui* of the area;
- (e) the District Officer (Yuen Long) advised that his office had received one written objection from a member of the public against the application which had been treated as a public comment received during the publication period of the application;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed electricity package substation was required for the provision of adequate and reliable electricity supply to about 30 Small Houses in the locality. It was small in scale and was considered not incompatible with the surrounding environment which was predominantly rural in character with village houses and vacant land, and with the future Small Houses to be developed. The proposed extent of land excavation within the site in relation to the construction of concrete footing and cable trench for the substation was also considered reasonable and not excessive. Government departments consulted had no adverse comment on the application. To

address the technical concerns of relevant departments, approval conditions on landscape proposal, water supplies for fire-fighting and fire service installations proposal were recommended. As regards the Director of Leisure and Cultural Services' concerns on the possible impact during the construction of the substation on Lee Tat Bridge which was a proposed Grade 3 historic item, the applicant undertook to exercise due care during the construction stage to minimize any impact on the bridge. An advisory clause in this respect was also suggested to be incorporated.

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

72. Members had no question on the application.

Deliberation Session

73. Mr. Ambrose S.Y. Cheong noted that there was an access road leading from Kam Sheung Road to the site. He suggested incorporating an advisory clause to request the applicant to check with relevant authorities on the land status and the management/maintenance responsibilities of the concerned access road. Members agreed.

74. 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 25.6.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of water supplies for fire-fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. Land exchange was required to cater for the long-term change of use of the Old Schedule Agricultural Lots with structure. However, under the prevailing Small House Policy, land in either village 'environs' ('VE') or "Village Type Development" ("V") zone for recognized New Territories villages should be preserved for Small House development by indigenous villagers. Non-Small House land exchange should therefore not normally be entertained within defined 'VE' or "V" zone. Alternatively, his office might consider application for Short Term Waiver (STW) to permit structure on Old Schedule Agricultural Lots. The registered lot owner concerned should apply to his office for STW as appropriate. Should no STW application be received/approved and any irregularities were found or persist on site, his office, upon review of the situation, would take appropriate lease enforcement action against the registered owner. Moreover, the site was accessible to Kam Sheung Road through an informal village track on Government land and private land. His office did not provide maintenance works to the track nor guarantee the right-of-way;
- (b) to note the Director of Electrical and Mechanical Services' comments that as the package transformer was to provide electricity supply to the nearby customers at the subject location, the associated electricity demand should be provided by the nearby substation as far as possible;
- (c) to note the Director of Leisure and Cultural Services' comments that as Lee Tat Bridge was a proposed Grade 3 structure, the access to/from Kam Sheung Road via the bridge for the construction of the proposed substation should not have adverse impact on the bridge;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that good site practice should be adopted to avoid potential disturbance to

the stream nearby and its riparian vegetation during the course of works;

- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that tree planting and understorey shrubs planting should be provided for better screening effect;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that the applicant should ensure that the proposed installation would not obstruct overland flow and free flow condition should be maintained before and after the proposed works. The applicant should take all precautionary measures to avoid damage of existing drainage facilities; and verify the actual site condition by sub-surface explorations before carrying out any works. In the event of any damage to the existing public drainage system arising from the works, the applicant should be held responsible for making good the damage at his own cost and to DSD's satisfaction;
- (g) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Besides, fresh water from Government mains should not be used for watering plant or landscape features purposes except with the written consent of the Water Authority. Such consent might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. The permission would be withdrawn if, in the opinion of the Water Authority, the supply situation required it;
- (h) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of

general building plans. Besides, the provision of emergency vehicular access (EVA) should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department (BD);

- (i) to note the Chief Building Surveyor/New Territories West, BD's comments that formal submission of any proposed new works, including the superstructure of the electricity package substation, for approval under the Buildings Ordinance was required. The elements of construction within 6m of the site boundary should be provided with fire resisting period. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant should also note the requirements on the provision of EVA to all buildings under B(P)R 41D; and
- (j) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/262 Temporary Place of Entertainment (War Game Playground)
for a Period of 3 Years in "Recreation" and "Green Belt" zones,
Lots 1589 (Part), 1591 (Part), 1592, 1594 (Part), 1596 (Part), 1597,
1598, 1600 S.A (Part) and 1600 S.B (Part) in D.D. 117 and
Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/262)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary place of entertainment (war game playground) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) expressed concerns on the continuous shooting noise and human noise nuisance to the nearby residential structures (the nearest one was about 40m away) in view of the existing tranquil environment. While the applicant proposed administrative controls during the game or operation which could help minimizing the noise nuisance, such controls were difficult to manage and implement. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view as the proposed noisy war games on the barren land with scrap vehicles, oil cans, mounds and ditches, but with little or no vegetation cover was considered not quite compatible with the surrounding environment and the existing landscape character. Although significant disturbances to the existing trees were not likely, adverse impact on the landscape quality was anticipated as war game activities were likely to damage existing vegetation cover and compact soil, and thus intensify the exposure of soil prone to erosion. All these would inevitably lead to the degradation of landscape quality. Moreover, approval of this application would set an undesirable precedent for future cases of similar nature in the area which would further deteriorate the landscape quality there;
- (d) during the statutory publication period, one public comment in support of the application was received from the Residents Association of Shap Pat Heung District on the grounds that the development provided a safe environment for war game training; could enhance the local economy and

provide job opportunities; was in line with the planning intention of the “Recreation” (“REC”) zone; and would not cause adverse impacts on environment, transport, drainage and sewage; and

- (e) the PlanD’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. According to the applicant, the war game playground was to provide both adventure-based training and team-building programme for the participants, which was considered as a kind of place of entertainment for the public and was in line with the planning intention of the “REC” zone. Although the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, only a small portion of the site (about 17%) encroached on the “GB” zone and this area had been used for temporary offices, reception area and storage purposes. As for CTP/UD&L of PlanD’s concerns, it was noted that all existing trees would be preserved and additional trees were proposed at the eastern portion of the site. The applicant also committed to provide mitigation measures including full protection to the trees and appropriate fencing. It was considered that the encroachment on the “GB” zone was minor and the temporary nature of the development without substantive structures would not jeopardize the long-term planning intention of the “GB” zone and could be tolerated. The development was also in line with the Town Planning Board Guidelines No. 10 in that no extensive clearance of vegetation would be carried out and significant adverse impact on the natural landscape and visual quality was not anticipated, and that the development mainly comprised open ground with no provision of intrusive structures/facilities. Approval conditions on prohibiting war game activities outside the site, provision of protective fence and guiding net and submission and implementation of tree preservation and landscape proposals were recommended. However, it was found that the war game playground on site was much larger than that under the current application. If the application was approved, the applicant would be requested to take immediate action to discontinue such development not covered by the permission. As regards DEP’s concerns,

it was noted that no environmental complaint on the subject site had been received in the past three years, and the applicant proposed that audio amplification system would not be used within the site. To minimize the potential noise nuisance, approval conditions restricting the operation hours, and prohibiting war game activities outside the site and use of audio amplification system were recommended.

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

77. A Member noted that the application site consisted of two portions which were linked by a local road, and the visitors would need to change clothes and get the equipment at the eastern portion of the site and then proceeded to the western portion of the site to play the war game. This Member asked whether such kind of operation would cause nuisance to the local villagers. Mr. Kepler S.Y. Yuen said that the two portions of the site were about 40m apart from each other, and there were no residential dwellings in the vicinity of the local road. Moreover, the applicant would provide protective fence and guiding net to control the activities and circulation within the site. In reply to this Member's question, Mr. Kepler S.Y. Yuen said that this local road was only used to access the application site. Hence, it would not cause disturbance to the local villagers.

78. In response to another Member's query, Mr. Kepler S.Y. Yuen said that, according to the applicant, the operation hours of the war game playground were mainly on weekends and public holidays between 10:00 a.m. and 6:00 p.m. To minimize the potential noise nuisance, approval conditions were recommended to restrict the operation hours.

79. Noting that there was a religious institution to the immediate north of the western portion of the site, a Member asked whether the proposed use would have any adverse impact on it. Mr. Kepler S.Y. Yuen said that the applicant had complied with the requirements on satisfying the owner's consent/notification requirements by posting notice near the entrance of the site and sending notice to the Shap Pat Heung Rural Committee by registered mail. No comment/objection was received from this religious institution.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no war game activities were allowed to be carried out outside the application site at any time during the planning approval period;
- (c) no audio amplification system, as proposed by the applicant, was allowed to be used on the application site at any time during the planning approval period;
- (d) the existing drainage facilities, watercourses, flow paths as well as runoff falling onto and passing through the application site should be maintained at all times during the planning approval period;
- (e) the provision of protective boundary fence and guiding net on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.12.2010;
- (f) 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 25.12.2010;
- (g) in relation to (f) 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 25.3.2011;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2010;

- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the planning permission was given to the development under application. It did not condone the use of the adjoining areas for war game playground which was not covered by the application. The applicant should take immediate action to discontinue such development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (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's comments that there were unauthorized structures (including converted containers) on the site.

Government land within the site was also occupied without approval from his office. His office reserved the right to take enforcement/control action against the irregularities. Part of the Government land adjoining Lot 1600 S.B in D.D. 117 was covered by Permit No. Y4164 for cultivation purpose. If there were breaches of conditions of the permit, his office would terminate the permit as appropriate. Besides, Lot 1589 in D.D. 117 was covered by Permit No. MT/LM 6757 for the erection and maintenance of agricultural structures on the lot. If these structures were converted for non-agricultural purposes, his office would terminate the permit as appropriate. The occupier of Government land and the registered owner of the lots concerned should apply to his office for Short Term Tenancy (STT)/Short Term Waiver (STW) to regularize the irregularities on site. However, there was no guarantee that approval of STT/STW would be given. Should no STT/STW application be received/ approved and the irregularities persist on site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. In addition, the site was accessible through an informal village track on Government land/private land leading to Tai Tong Shan Road. His office did not provide maintenance works to the track nor guarantee the right-of-way;

- (e) to note the Commissioner for Transport's comments that the land status of the strip of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department should not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (g) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to

minimise any potential environmental nuisances;

- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that unauthorized use on an extensive piece of land was spotted adjacent to the eastern portion of the site. Besides, those existing trees to be preserved as marked on the Landscape and Tree Preservation Proposal deviated from the actual situation as observed on site. Clarification from the applicant was required;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that no physical structure or boundary wall/fence should be erected on the site. The characteristic of the ground surface of the site should not be changed and all the existing drainage facilities, watercourses, channels, ditches, flow path as well as surface runoff etc. within or adjacent to the site should not be adversely affected by the application. Besides, the development should neither obstruct overland flow nor adversely affect any existing watercourse, village drain or ditch;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, relevant layout plans incorporated with the proposed FSIs should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix IV of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and

- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that existing structures without approval under the Buildings Ordinance (BO) should be removed. Temporary buildings were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at the building plan submission stage. Formal submission under the BO was required for any proposed new works, including temporary structures.

[Professor Paul K.S. Lam left the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/468 Temporary Open Storage of Recyclable Materials
(Including Metal and Plastic) for a Period of 3 Years
in "Village Type Development" zone,
Lots 287 (Part), 296 (Part), 302 S.A (Part), 303 (Part), 304 (Part),
305 (Part), 306 (Part) and 307 (Part) in D.D. 119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/468)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of recyclable materials (including metal and plastic) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential uses) to the north, west and in the vicinity of the site, and environmental nuisance was expected. Besides, the proposal involved storage of discarded personal computer sets and accessories. Any breakage of cathode ray tubes and circuit boards during loading/unloading/piling might cause soil and water pollution. Moreover, the development was not compatible with the land use in this part of Tong Yan San Tsuen which was predominantly zoned “Village Type Development” (“V”). Permission of open storage use in this area might induce proliferation of such land use in the vicinity, exacerbating the land use conflict issue and aggravating the traffic noise nuisance to the sensitive receivers located along Shan Ha Road. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as the applicant had not submitted a drainage impact assessment to demonstrate that the proposed development would not cause any increase in the flooding susceptibility of the adjacent areas. The site was in an area where no proper public drainage system was available. The existing local village drains serving the area might not have adequate capacity. Therefore, he was concerned that the proposed development might bring about adverse drainage impact on the adjacent areas and worsen the existing drainage conditions;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Councillor raising objection to the application on the grounds that the site was close to residential dwellings, the storage of recyclable materials on the site would pollute the surrounding areas and affect the health of the residents; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper.

The development was not in line with the planning intention of the “V” zone, which was primarily intended for the development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The application also did not comply with the Town Planning Board (TPB) Guidelines No. 13E in that there was no previous approval granted at the site and there were adverse departmental comments from DEP and CE/MN of DSD. The applicant had not submitted any relevant technical assessments to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas. Besides, the proposed open storage use was not compatible with the village houses to its north and west and other village houses of Shan Ha Tsuen to its further northwest. This problem would be further aggravated as a number of Small House applications in the vicinity of the site had been approved or being processed. Although there were some open storage yards located within the subject “V” zone, most of them were suspected unauthorized developments subject to enforcement action. Indeed, no similar application had been approved on sites falling entirely within the same “V” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

83. Members had no question on the application.

Deliberation Session

84. A Member opined that the applied use for the open storage of recyclable materials should better be relocated to the recovery park in Tuen Mun. The Chairperson suggested that PlanD could convey this Member’s suggestion to the applicant. Members agreed.

85. Members then went through the reasons for not supporting the application as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval had been granted for the applied use on the site; no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and there were adverse departmental comments and local objection to the application. The development was also not compatible with the village houses of Shan Ha Tsuen to its north, west and in the vicinity; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/476 Proposed Temporary Open Storage of Building Materials
for a Period of 3 Years in “Undetermined” zone,
Lot 744 S.A (Part) in D.D. 117 and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/476)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of building materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. a home for the elderly and residential dwellings) in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board (TPB) Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval

conditions. Similar applications had been approved in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under the TPB Guidelines No. 13E. This area was generally intended for open storage use but was designated with “U” zoning mainly due to the concerns on the capacity of Kung Um Road. In this regard, the Commissioner for Transport had no adverse comment on the application. It was considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding areas which were mixed with warehouses, storage yards and workshops. To address DEP’s concerns on environmental nuisance, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of heavy goods vehicles were recommended. It was expected that the development would not generate significant environmental impact on the surrounding areas. Previous planning approvals had been granted for the same use on the site. Approval conditions in relation to the landscaping, drainage and fire safety aspects under the last approval had been complied with. Moreover, to address the technical concerns of relevant departments, approval conditions on the maintenance of existing drainage facilities, and submission and implementation of run-in/out, tree preservation, landscape and fire service installations proposals were recommended.

87. Members had no question on the application.

Deliberation Session

88. In response to a Member’s enquiry, Mr. Kepler S.Y. Yuen said that the site was involved in three previous applications (No. A/YL-TYST/248, 300 and 346) for the same use as the current application. The first application (No. A/YL-TYST/248) was approved with conditions by the Town Planning Board on review in December 2004. This Member asked whether the home for the elderly to the east of the site existed before or after such open storage use at the site. The Secretary referred to Plan A-2 of the Paper and said that the home for the elderly was marked with an asterisk on the plan, which indicated that such use was the same as that revealed by the land use survey conducted by PlanD in November 1991.

As such, the home for the elderly had already existed on site in 1991. In reply to the Chairperson's question, Mr. Kepler S.Y. Yuen said that approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of heavy goods vehicles would be imposed to mitigate any potential environmental impacts on the surrounding areas. Since previous approvals had been given and no environmental complaints concerning the site had been received in the past three years, Members agreed that the applied use could be tolerated on a temporary basis.

89. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.12.2010;

- (g) in relation to (f) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.3.2011;
- (h) 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 25.12.2010;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.3.2011;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2010;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.3.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

90. The Committee also agreed to advise the applicant of the following :
- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
 - (b) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take enforcement/control action against the erection of unauthorized structures and occupation of Government land within the site. The occupier of Government land and the registered lot owners concerned should apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW application be received/ approved and the irregularities persist on site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owners. Besides, the site was accessible through an informal track on Government land or private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee the right-of-way;
 - (c) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
 - (d) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to suit the pavement of the adjacent areas. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. HyD should not be responsible for the maintenance of any access connecting the site and Kung

Um Road;

- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note that 15 numbers of trees were found missing on the site which required replacement planting. All the existing and proposed trees should be clearly marked and differentiated on a landscape plan by using two different symbols in order to avoid confusion;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage implemented under the previous Application No. A/YL-TYST/248 on site should be maintained in good condition at all times without causing adverse drainage impact on the adjacent areas and the existing drainage facilities;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) 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 department for approval. In formulating FSIs proposal for the proposed structures, reference should be made to the requirements set out in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his department for consideration; and

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/477 Temporary Open Storage of Construction Materials, Equipment and Machinery and Container Site Offices (with Ancillary Repairing Activities) for a Period of 3 Years in "Undetermined" zone, Lots 348 RP (Part), 353 S.A RP (Part), 353 S.B (Part), 354 RP (Part), 355 (Part), 356, 357 (Part), 358 (Part), 359 (Part), 360 S.A RP (Part) and 368 RP (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/477)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary open storage of construction materials, equipment and machinery and container site offices (with ancillary repairing activities) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential uses) along the access track leading to the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the Town Planning Board (TPB) Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. Similar applications had been approved in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under the TPB Guidelines No. 13E. This area was generally intended for open storage use but was designated with “U” zoning mainly due to the concern on the capacity of Kung Um Road. In this regard, the Commissioner for Transport had no adverse comment on the application. It was considered that approval of the application on a temporary basis for 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding areas which were predominantly used for open storage yards and warehouses. To address DEP's concerns on environmental nuisance, approval conditions restricting the operation hours, prohibiting workshop activities (other than the ancillary repairing and maintenance activities) and restricting the use of heavy goods vehicles were recommended. It was expected that the development would not generate

significant environmental impact on the surrounding areas. As the applied use involved storage of container site office units, an approval condition limiting the stacking height of containers stored on the site to not more than 3 units was recommended to avoid visual intrusion and to maintain the low-rise character of the area. Previous planning approvals had been granted for open storage use on the site. Approval conditions in relation to the landscaping, drainage and fire safety aspects under the last approval had been complied with. Moreover, to address the technical concerns of relevant departments, approval conditions on the maintenance of existing drainage facilities, and submission and implementation of tree preservation and landscape proposals were recommended.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling or other workshop activities, except ancillary repairing or maintenance activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers were allowed for the operation of the application site at any time during the planning approval

period;

- (e) the stacking height of containers stored on the application site should not exceed 3 units during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of tree preservation 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 25.12.2010;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.3.2011;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

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

- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the occupier of the Government land and the registered lot owners concerned should apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW application be received/approved and the irregularities persist on site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owners. Besides, the site was accessible through an informal village track, partly on Government land and partly on private land, extended quite far away from Shan Ha Road. His office did not provide maintenance works for this track nor guarantee the right-of-way. An active project, namely 'Replacement and Rehabilitation of Water Mains Stage 2 – Mains in New Territories West – Investigation, Design and Construction', was being undertaken by the Water Supplies Department (WSD) on a portion of this track;
- (d) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (g) to note that 8 numbers of trees were found missing at the north-eastern corner of the site which required replacement planting. All the existing and proposed trees should be clearly marked and differentiated on a landscape plan by using two different symbols in order to avoid confusion;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage facilities on site should be maintained properly throughout the approval period without adverse drainage impact on the adjacent areas and the existing drainage facilities. Moreover, the development should not obstruct overland flow and surface runoff generated from the site and passing through the site at all times. The applicant should also consult DLO/YL and seek consent from the relevant owners for any works carried out outside his lot boundary; and
- (i) to note the Chief Engineer/Development (2), WSD's comments that for provision of water supply to the development, the applicant might need to extend the inside services to the nearest Government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/478 Temporary Warehouse for Storage of Packed Furniture
for a Period of 3 Years in “Undetermined” zone,
Lots 670 (Part), 768 (Part), 769 (Part) and 785 (Part) in D.D. 119
and Adjoining Government Land,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/478)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of packed furniture for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers (i.e. residential uses) to the north and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the use of the site for open storage was a blight to the environment, and the applied use was not in line with the planning intention of the “Undetermined” zone for the area, which was not suitable for open storage use as it fell within Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E. The commenter suggested that, if the application was approved, a condition on the provision of landscaping and peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. Although the applied use was not incompatible with the surrounding warehouse, open storage and workshop uses in the area and the concerned Government departments had no objection to the application, the applicant should demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. As such, approval conditions in relation to the landscaping, drainage and fire safety aspects had been imposed in the four previously approved applications (No. A/YL-TYST/108, 157, 210 and 322) for similar warehouse use at the site submitted by the same applicant. However, the applicant was unable to comply with the approval conditions within the specified time limits repeatedly since the granting of the first planning approval in 2000, despite that the conditions on submission and implementation of landscape proposal were fulfilled in the last approval. Although the applicant undertook to comply with the conditions on drainage and fire service installations (FSIs) aspects in the current application, similar commitment had been made by him to the TPB in the last review for Application No. A/YL-TYST/322. When approving the last application on review, the TPB agreed to grant a shorter approval period of 3 years, instead of 5 years as applied for, and allowed shorter compliance periods so as to monitor the situation of the site and the fulfillment of planning conditions. However, the applicant still failed to fulfil his commitment as he could not comply with the conditions on submission and implementation of drainage proposal, emergency vehicular access, water supplies for fire-fighting and FSIs proposals by the specified time limits. As such, the planning approval was revoked again for the fourth time on 4.11.2008. The applicant's ability and intention to comply with the approval conditions were therefore questionable. Against this background and noting the applicant's repeated failures to comply with the approval conditions of the four previous planning permissions, it was doubtful that the potential drainage impact and fire risk could be duly addressed by way of imposing approval conditions. Under such circumstances, the development could cause adverse drainage

and fire safety impacts on the surrounding areas. Besides, there was one public objection against the application mainly on land use compatibility, landscaping and visual grounds.

96. In response to a Member's enquiry, Mr. Kepler S.Y. Yuen confirmed that the current applicant was the same as the last four applications.

Deliberation Session

97. Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development would be subject to fire risk and would have adverse environmental and drainage impacts on the surrounding areas. The submitted information however could not adequately demonstrate that the potential fire risk and adverse environmental and drainage impacts could be mitigated; and
- (b) the application involved four previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

[Mr. Walter K.L. Chan left the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/479 Temporary Open Storage of Construction Machinery and Parts and Construction Materials with Ancillary Car Park for a Period of 3 Years in “Undetermined” zone, Lots 2815 RP (Part) and 2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/479)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and parts and construction materials with ancillary car park for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. residential uses) to the southwest and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the use of the site for open storage was a blight to the environment, and the applied use was not in line with the planning intention of the “Undetermined” (“U”) zone for the area which was not suitable for open storage use as it fell within Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E. The commenter suggested that, if the application was approved, a condition on the provision of landscaping and peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The application was in line with the TPB Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. Similar applications had been approved in this part of the “U” zone, i.e. Category 1 areas under the TPB Guidelines No. 13E. This area was generally intended for open storage use but was designated with “U” zoning mainly due to the concern on the capacity of Kung Um Road. In this regard, the Commissioner for Transport had no adverse comment on the application. It was considered that approval of the application on a temporary basis for three years would not frustrate the long-term use of the area. Moreover, the development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouses and workshops. To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of heavy goods vehicles exceeding 24 tonnes were recommended. It was expected that the development would not generate significant environmental impact on the surrounding areas. Furthermore, previous planning approvals had been granted for temporary open storage with ancillary car park on the site under Applications No. A/YL-TYST/321 and 399 submitted by the same applicant. Approval conditions in relation to the landscaping and drainage aspects under the previous approvals had been complied with. In addition, approval conditions on the maintenance of existing trees and drainage facilities on site were recommended to address the technical concerns of relevant departments. Regarding the public comment against the application, as the site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications for open storage use, no adverse comment from relevant departments on the application, and DEP's concerns could be addressed by imposing relevant approval conditions, it was considered that

the current application might be tolerated on a temporary basis. Moreover, the site had already been fenced off and planted with a number of trees. An approval condition requiring the maintenance of the existing trees could be imposed to address the landscape and visual concerns.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the site was accessible through an informal village road on Government land extended from Kung Um Road. His office did not provide maintenance works for this Government land nor guarantee the right-of-way. This access was abutting on the boundary of an active project, namely 'Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)', undertaken by the Drainage Services Department (DSD);
- (d) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways

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

- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note that all the stored materials within 600mm radius of the tree trunks should be removed in order to protect the trees from being damaged; and
- (h) to note the Chief Engineer/Mainland North, DSD's comments that the existing drainage facilities on site should be maintained properly throughout the approval period without adverse drainage impact on the adjacent areas and the existing drainage facilities. Moreover, the development should not obstruct overland flow and surface runoff generated from the site and passing through the site at all times. The applicant should also consult DLO/YL and seek consent from the relevant owners for any works carried out outside his lot boundary.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/480 Temporary Warehouse for Storage of Furniture
for a Period of 3 Years in "Undetermined" zone,
Lot 1150 RP (Part) in D.D. 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/480)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of furniture for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (i.e. a home for the elderly and residential dwellings) in the vicinity of the site, and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the use of the site for open storage was a blight to the environment, and the applied use was not in line with the planning intention of the “Undetermined” (“U”) zone for the area, which was not suitable for open storage use as it fell within Category 3 areas under the Town Planning Board (TPB) Guidelines No. 13E. The commenter suggested that, if the application was approved, a condition on the provision of landscaping and peripheral fencing should be imposed; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The applied use was not in conflict with the planning intention of the “U” zone which was intended to cater for the demand for open storage that could not be accommodated in conventional godown premises. The development was also considered not incompatible with the areas to its north and west which comprised a number of warehouses, storage yards and workshops. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application on environmental grounds, the development was mainly for storage purpose within an

enclosed warehouse structure and there was no environmental complaint against the site in the past three years when the warehouse was already in operation. It was expected that the development would not generate significant environmental impact on the surrounding areas if it was operated properly. To address DEP's concerns on possible environmental impacts, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the types of vehicles used were recommended. In addition, approval conditions on the submission and implementation of landscape, drainage and fire services installations (FSIs) proposals would be imposed to address the technical concerns of relevant departments. Since the last approval (Application No. A/YL-TYST/356) was revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions. Regarding the public comment against the application, as relevant departments had no adverse comment on the application and DEP's concerns could be addressed through relevant approval conditions, the current application might be tolerated on a temporary basis. Approval conditions requiring the submission and implementation of landscape proposal would also be imposed to address the landscape and visual concerns.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.6.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles over 5.5 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.9.2010;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.12.2010;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.9.2010;
- (h) in relation to (g) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.12.2010;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.9.2010;

- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.12.2010;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long's comments that his office reserved the right to take enforcement action against the erection of

unauthorized structures within the site. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/ approved and the irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owners. Besides, the site was accessible through an informal village track partly on Government land and partly on other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee the right-of-way. Moreover, the site was abutting on the boundary of a project namely 'Replacement and Rehabilitation of Water Mains Stage 2 – Mains in New Territories West – Investigation, Design and Construction';

- (e) to note the Commissioner for Transport's comments that the land status of the road/path/track leading to the site from Kung Um Road should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (g) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note that all the implemented landscape works were found missing on the site and replacement planting was required;
- (i) 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 department for approval. In formulating FSIs proposal for the proposed structure, reference should be made to the requirements set out in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his department for consideration; and

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that existing structures without approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including temporary structures. Temporary structures were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The application site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

[The Chairperson thanked Mr. Kepler S.Y. Yuen, STP/TMYL, for his attendance to answer Members' enquires. Mr. Yuen left the meeting at this point.]

Agenda Item 28

Any Other Business

106. There being no other business, the meeting was closed at 4:40 p.m..