

TOWN PLANNING BOARD

Minutes of 423rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.8.2010

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

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 West,
Transport Department
Mr. T.K. Choi

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

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

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

Secretary

Absent with Apologies

Professor 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
Miss H.Y. Chu

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 422nd RNTPC Meeting held on 30.7.2010

[Open Meeting]

1. The draft minutes of the 422nd RNTPC meeting held on 30.7.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (a) Abandonment of Town Planning Appeal

Town Planning Appeal No. 6/08

Temporary Open Storage of Construction Materials and Machinery
for a Period of 3 Years in “Agriculture” zone,

Lot 1595 (Part) in D.D. 113, Ma On Kong, Kam Tin, Yuen Long
(Application No. A/YL-KTS/421)

Town Planning Appeal No. 8/08

Temporary Open Storage of Construction Materials for a Period of 3 Years
in “Agriculture” zone, Lots 1012(Part), 1014(Part), 1015 S.A(Part), 1015 RP(Part),
1035(Part) and 1038(Part) in D.D. 113, Kam Tin South, Yuen Long

(Application No. A/YL-KTS/424)

Town Planning Appeal No. 9/08

Temporary Open Storage of Construction Machinery (Excavators)
for a Period of 3 Years in “Agriculture” zone,

Lots 1012(Part), 1013(Part), 1014(Part), 1015 S.A(Part), 1015 RP(Part) and
1016(Part) in D.D. 113, Kam Tin South, Yuen Long

(Application No. A/YL-KTS/425)

2. The Secretary reported that the subject three appeals were lodged on 10.11.2008

by the same Appellant to the Appeal Board Panel (Town Planning) (ABP) against the Town Planning Board's decisions to reject on review Application No. A/YL-KTS/421 for temporary open storage of construction materials and machinery, Application No. A/YL-KTS/424 for temporary open storage of construction materials and Application No. A/YL-KTS/425 for temporary open storage of construction machinery (excavators), all for a period of 3 years. The appeal sites were all zoned "Agriculture" on the approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11. On 9.8.2010, the three appeals were abandoned by the Appellant of his own accord. The abandonment was confirmed by the ABP on the same day in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Appeal Statistics

3. The Secretary reported that as at 13.8.2010, a total of 22 cases were yet to be heard by the ABP. Details of the appeal statistics were as follows:

Allowed	:	25
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	142
Yet to be Heard	:	22
Decision Outstanding	:	4
Total	:	304

Sai Kung and Islands District

[Miss Erica S.M. Wong and Mr. Charles C.F. Yum, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/15)

4. The Committee noted that Mr. Y.K. Cheng, having current business dealings with the applicant, King Wong Development Ltd., had declared an interest in this application. Mr. Cheng had not yet arrived at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eating place, shop and services and minor relaxation of building height restriction;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, which ended on 26.1.2010, one

public comment expressing support to the application was received. During the statutory publication period of the further information, which ended on 15.6.2010, four public comments were received from a District Councillor, the Chairman of Lamma Island (South) Rural Committee, the Chairman of Lamma Island (North) Rural Committee and a member of Peng Chau/Cheung Chau/Lamma Island Area Committee. All the commenters expressed support to the application on the grounds that the proposed development would benefit the local community and economy, the building height restriction should be relaxed to achieve more efficient development of the site, and the application site had been left vacant for a long time and affected the environment. The District Officer (Islands) advised that the Chairman of Lamma Island (South) Rural Committee supported the application and the Village Representative of Sok Kwu Wan Village had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Compared with the previously approved scheme under Application No. A/I-LI/7, the site area of the current application had been increased by incorporating the adjoining Government land (an addition of about 421.6m²). The District Lands Officer/Islands had no in-principle objection to including the Government land concerned so that the land zoned “Residential (Group C)” (“R(C)”) could be fully utilised. Since the approval of the previous Application No. A/I-LI/7 on 3.11.2006 by the Committee, there had been no change in the planning circumstances of the application site and its surrounding areas. The proposed development was considered compatible with the general shopping and dining nature at the adjacent Sok Kwu Wan Village. The proposed plot ratio of 0.6 was also compatible with the general low-density development within the “R(C)” zone. The minor relaxation of the building height from 9m to 9.45m had previously been approved by the Committee and would facilitate the design of more interesting built form for the proposed development. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the proposed building design from the urban design/visual impact points of

view. Departments consulted had no adverse comment on the application.

6. Members had no question on the application.

Deliberation Session

7. A Member said that the application could be supported as part of the site had been covered by a previous approval and the application site had been enlarged only to include the adjoining Government land to better utilise the land in the “R(C)” zone. The approval of the application would benefit both the local community and the tourists.

8. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.8.2014, 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 a landscape proposal with tree preservation plan to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Chief Building Surveyor/New Territories East 1 and Licensing Unit, Buildings Department’s comments regarding the development parameters, access and emergency vehicular access of the proposed development under the Building (Planning) Regulation;
- (b) to note the Director of Environmental Protection’s comments that every endeavour should be made by the applicant, its agents and/or contractors to properly control any constructional wastewater and site runoff in order to

prevent any potential impact and pollution to the nearby Fish Culture Zone, in particular, if the proposal would involve marine-based construction works such as seawall reconstruction. Sewage and wastewater being generated during operation of the proposal should be connected to the public sewers once they were available for connection;

- (c) to note the District Lands Officer/Islands' comments that the applicant should take note of the Lands Department's Practice Note for Authorised Persons, Surveyors and Registered Structural Engineers – Issue No. APSRSE 1/99 when preparing the building plans of the proposed development in the future and submitting a land exchange application in order to implement the proposal;
- (d) to note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD)'s comments that the applicant should make site formation submissions including a detailed natural terrain hazard study and the investigation of stability of all geotechnical features within or near the proposed development that might affect or to be affected by the proposed development to the Building Authority for approval as required by the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the proposed development;
- (e) to note the Chief Engineer/Port Works, CEDD's comments that the reconstructed seawall should be maintained by the applicant; and
- (f) 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.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/176 Temporary Workshop for a Period of 3 Years
in “Road” zone,
Lots 4SE (Part), 4RP(Part) and 5SAss3 (Part) and
adjoining Government Land in D.D. 212, Tui Min Hoi, Sai Kung
(RNTPC Paper No. A/SK-PK/176)

Presentation and Question Sessions

10. Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary workshop for a period of 3 years;
- (c) departmental comments – the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2&Rail, BD) had reservation on the application as part of the existing structures were unauthorised building works subject to the Buildings Ordinance Section 24 order and the applicant should comply with the said orders as soon as possible;
- (d) two public comments were received during the statutory publication period. While one Sai Kung District Councillor supported the application as the workshop had been operating in the area for more than a decade and had created job opportunities for the local residents, the Designing Hong Kong Ltd. objected to the application on the grounds that the proposed development was not in line with the planning intention for the area which was under ‘Road’ designation. 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 had no objection to the application based on the assessments made in paragraph 10 of the Paper. The application site was designated as 'Road' on the Outline Zoning Plan and might be affected by the road project 'Dualling of Hiram's Highway from Marina Cove to Sai Kung Town' which was scheduled to commence in 2015. It was therefore envisaged that the proposed development on a temporary basis of three years up to 2013 would not frustrate the planning intention of the site and affect the implementation of the road improvement works. In this regard, both the Commissioner for Transport and the Chief Highway Engineer/New Territories East of Highways Department (HyD) had no objection to the application. The workshop use under application was previously approved by the Committee in 2004 and had been operating since then. It was considered not incompatible with the surrounding land uses comprising mainly concrete batching plant, warehouse and open storage uses. No sensitive receiver was found within its close vicinity and there was no change in the planning circumstances since the approval of the previous application. Relevant Government departments consulted had no adverse comments on the application. As regards CBS/NTE2&Rail, BD's comment on the unauthorised building works at the application site, it could be dealt with under the Buildings Ordinance and relevant advisory clauses in this aspect were recommended. Regarding one of the two commenters' concern on the planning intention of the 'Road' designation, it was noted that the road improvement works would not be affected by the applied use and both the Transport Department and HyD had no objection to the application. Besides, the subject workshop was relatively well screened by the existing roadside trees outside the site boundary, the inclusion of landscape proposals as an approval condition was considered not necessary by the Chief Town Planner/Urban Design and Landscape of PlanD.

11. Members had no question on the application.

12. A Member commented that the ‘workshop’ use under application without specifying the type of operation might render it difficult to control the type of operation therein. Mr. Charles C.F. Yum said that the operation of the ‘workshop’ under the current application was the same as the previously approved application, which was an air duct workshop. The Chairman explained that the TPB approval would be granted on the terms of the application as submitted to the TPB, i.e. air ventilation and air conditioning air ducts workshop. The Planning Authority would take appropriate enforcement action should there be any illegal change of use at the site subsequently.

13. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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 water supplies for firefighting 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 13.2.2011;
- (b) in relation to (a) 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 13.5.2011; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to note the District Lands Officer/Sai Kung’s comments that:

- (i) the applicants should formalise the change in ownership of Lot 4 S.E in D.D. 212 which affected the status of the short term waiver (STW) and short term tenancy (STT) and complete the necessary documentation with his office;
 - (ii) the applicants might apply to his office for revision of the relevant terms and conditions of the STW and STT in order to tally with the approved scheme; and
 - (iii) 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;
- (c) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that the commencement date of the Hiram's Highway Improvement Stage 2 works was scheduled to commence in 2015 for completion in mid-2018. He had no objection to the application for a temporary period of three years on condition that the application for further extension of time should be critically reviewed and assessed;
- (d) to note the Director of Fire Services' comments that:
- (i) emergency vehicular access arrangement 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; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the site, the applicants might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants should

resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (f) to note the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department's comments that:
 - (i) as part of the existing structures were unauthorised building works subject to the Buildings Ordinance Section 24 order, the applicants should comply with the said orders as soon as possible. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
 - (ii) as the site was not abutting a specified street of not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority under section 19(3) of the Building (Planning) Regulations.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/29 Proposed Minor Relaxation of Site Coverage
from 25% to 27.5% (10% Increase)
in "Government, Institution or Community (1)" zone,
Government Land Adjoining Lady MacLehose Holiday Village,
Pak Tam, Sai Kung
(RNTPC Paper No. A/SK-TMT/29)

Presentation and Question Sessions

15. Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed minor relaxation of site coverage from 25% to 27.5% (10% increase);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from the Designing Hong Kong Ltd. was received during the statutory publication period. The commenter objected to the application on the grounds that it was unclear whether there was an overriding public purpose for the site coverage relaxation and whether all other reasonable alternatives had been considered; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed development of a Drug Rehabilitation Centre cum Halfway House was in line with the planning intention of “Government, Institution or Community (1)” zoning. The proposed sewage treatment plant (STP), which resulted in the increase of the site coverage to the overall development from 25% to 27.5% was to meet the operational requests of the Environmental Protection Department (EPD) and Water Supplies Department (WSD). The STP was considered as a use directly related and ancillary to the permitted use and development within the same zone. Under the Buildings Ordinance, the STP, being an ancillary use, was exempted from GFA calculation. However, in order to provide the on-site STP, a 10% increase in site coverage was required. The proposed STP had adopted a minimal size as agreed by EPD and WSD. The applicant had proposed a number of mitigation measures to reduce the visual impact of the STP, which included providing compensatory trees of over 6m in height and chain link boundary fence instead of a solid boundary wall, siting the STP behind the main building of the rehabilitation centre and designing part of the STP building to be constructed under the ground level.

All concerned Government departments consulted had no adverse comments on the proposed relaxation of site coverage for housing the STP onsite. Regarding the public comment received, the proposed relaxation of site coverage from 25% to 27.5% was considered minor. The proposed STP was an ancillary use to the rehabilitation centre and was an operational facility which was required by EPD and WSD. Also, the proposed size of the STP was a minimal size of on-site STP adopted. No major adverse visual impact of the STP was therefore envisaged.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.8.2014, 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 of a landscape proposal and implementation of the approved landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the applicant should not permit any sewage, waste water or effluent containing sand, cement, silt or any other suspended or dissolved material to flow from the lot onto any adjoining land or allow any waste matter which was not part of the final product from waste processing plants to be deposited anywhere within the lot and should have all such matter removed from the lot or any building erected or to be erected thereon in a proper manner to the satisfaction of the Director of Water Supplies or of the TPB.

18. The Committee also agreed to advise the applicant to apply to the District Lands Officer/Sai Kung regarding the necessary amendments to the short term tenancy condition for the proposed development.

[The Chairman thanked Miss Erica S.M. Wong and Mr. Charles C.F. Yum, STPs/SKIs, for their attendance to answer Members' enquires. Miss Wong and Mr. Yum left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 6

Section 16 Application

[Open Meeting]

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

19. The Committee noted that the applicant's representative requested on 30.7.2010 for a deferment of the consideration of the application for two months so as to allow sufficient time for the applicant to prepare further information and responses to address the departmental comments.

20. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/68 Temporary Open Vehicle Park (Lorry-mounted crane and mobile hydraulic crane) and Storage of Mechanical Spare Parts for a Period of 3 Years in “Village Type Development” zone, Lots 185 and 255 in D.D. 385, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/68)

Presentation and Question Sessions

21. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open vehicle park (lorry-mounted crane and mobile hydraulic crane) and storage of mechanical spare parts 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 application site and in close proximity to the access road to the application 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 (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The development was not in line with the planning intention of “Village

Type Development” (“V”) zone. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis. The development, which comprised parking of lorry-mounted cranes and mobile hydraulic cranes, was not considered compatible with the residential dwellings in its vicinity. In this regard, DEP did not support the application. Moreover, five Small House applications in close vicinity of the site had been approved by the District Lands Officer/Tuen Mun, the nearest one being only 15m from the proposed development. The proposed development, which involved using converted containers for storage use on about 8% of the site area, did not fall under the definition of “open storage uses” under the TPB Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E). Moreover, the site fell within Category 4 areas under the same guidelines within which the applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. As for the nearby open storage sites as well as lorry and trailer park, they were suspected unauthorised developments and proliferation of similar uses should not be encouraged in the “V” zone. There was no information in the submission to demonstrate that the development would not generate adverse drainage impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North, Drainage Services Department commented that the applicant should submit and implement drainage proposals for the development to his satisfaction. Also, there was no information in the submission to demonstrate that the development would not generate adverse landscape impacts on the village nearby. No similar application had previously been approved in the same and nearby “V” zone. As for two applications for temporary vehicle parks (i.e. Application Nos. A/TM-SKW/24 and A/TM-SKW/40), they were approved with conditions for non-heavy vehicles and non-container vehicles. The approval of the current application would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

22. Members had no question on the application.

Deliberation Session

23. The Chairman noted that the five Small House applications approved by the District Lands Officer/Tuen Mun to the west of the site were even closer than the cluster of village houses to the southwest of the application site. He asked if that should be reflected in the rejection reason in paragraph 12.1(b) of the Paper. Ms. S.H. Lam said that the implementation programme for the five Small Houses was not known but agreed that the rejection reason could be suitably revised to reflect the Chairman's concern. The Secretary suggested to replace the words "to the south-west" in condition (b) by "in the vicinity". Members agreed.

24. Members then went through the reasons for rejecting the application as stated in paragraph 12.1 of the Paper and agreed that they should be suitably amended to reflect Members views as expressed at the meeting. After further deliberation, the Committee decided to reject the application and the reasons were:

- (a) the proposed development was not in line with the planning intention of "Village Type Development" ("V") zone. 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 proposed development was not compatible with the general rural character of the surrounding areas in particular the residential developments in the vicinity of the site and would cause adverse environmental impacts on the local residents and the surrounding environment. There was no information in the submission to demonstrate that the development would not have adverse drainage and landscape impacts on the surrounding areas and nearby villagers; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the subject "V" zone. The cumulative effect of approving such similar applications would result

in a general degradation of the environment of the area.

Agenda Item 8

Section 16 Application

[Open Meeting]

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

25. The Committee noted that the applicant requested on 29.7.2010 for a deferment of the consideration of the application for two months so as to allow time for the applicant to address the comments of Government departments and prepare further information to substantiate the application.

26. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles with ancillary car beauty services for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from the Designing Hong Kong Ltd. was received during the statutory publication period. The commenter objected to the application on the reasons that the proposed use was a blight on the environment, not in line with the planning intention for “Village Type Development” (“V”) zone, and not suitable for the area. 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 three years based on the assessments made in paragraph 11 of the Paper. The

“V” zone was intended for development of Small Houses by indigenous villagers. However, according to the District Lands Officer/Yuen Long (DLO/YL), there was currently no Small House application at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Besides, the provision of public car park would help meet the parking demand of local villagers. The development under application was not incompatible with the surrounding land uses which were predominantly occupied by village houses intermixed with agricultural land and rural workshops. It was unlikely that temporary public vehicle park would create significant adverse impacts on the surrounding areas. To improve the traffic safety, the applicant had proposed a number of traffic improvement measures including provision of bollards at the access track. Relevant Government departments consulted had no comment on or objection to the application. Nevertheless, relevant approval conditions had been recommended to address the technical concerns of Government departments. Regarding the comment from the Designing Hong Kong Ltd. objecting to the application on the grounds that it was not in line with the planning intention for the area, the proposed vehicle park was not incompatible with the rural setting of the surrounding area and could meet the car parking demand of villagers. The temporary nature of the application would not frustrate the long-term planning intention for the “V” zone. Besides, DLO/YL confirmed that there was currently no Small House application at the site.

28. Referring to paragraph 2(j) of the Paper, the Vice-chairman asked if more information could be provided about the illegally filled site as claimed by the applicant. Mr.W.M. Lam, by referring to Plan A-3 of the Paper, explained that the aerial photo taken in 2009 showed that the application site was largely vacant with some green area in the eastern and southern part of the site. He said that the site might have been used for agricultural purpose and was abandoned. However, he had no information on whether the site was illegally filled.

29. Another Member noted from Plan A-4 of the Paper that there were structures not included in the layout as submitted by the applicant and enquired whether they would be

demolished. Mr. W.M. Lam said that according to the Buildings Department (BD)'s comments, illegal structures should be removed.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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 site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, paint spraying or other workshop activities, other than the car beauty services applied for, were allowed on the site at any time during the planning approval period;
- (e) the implementation of the traffic improvement measures at the section of access road between Tin Ha Road and the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.2.2011;
- (f) the provision of periphery fencing on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;

- (g) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.5.2011;
- (i) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.2.2011;
- (j) in relation to (i) above, the implementation of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2011;
- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.2.2011;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.5.2011;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

31. 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 issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long's comments that an unauthorised structure comprising two 2-storey container-converted structures was erected at the eastern portion of the site. He reserved the right to take enforcement action against the irregularities if indeed found in due course. The registered owner of the lots concerned should be reminded to apply to his office for Short Term Waiver (STW) to regularise the irregularities on-site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owner. The site was accessible through a track on Government land (GL). His office did not provide maintenance works to the track nor guarantee right-of-way. The applicant also proposed to provide some signs along the access road and the ingress/egress of the site and the exact locations of the signs were not provided. In normal circumstances, prior approval from his office should be sought for excavation/occupation of GL. His office would consider taking appropriate land control action against any irregularities on GL if detected. The applicant should be required to obtain prior approval from relevant authority for implementation of the traffic arrangement proposal outside the site;
- (d) to adopt environmental mitigation measures as set out in the "Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;

- (e) 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. 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 (HyD)’s comments that the existing access road between the site and Tin Ha Road, including the footpath along the nullah, was not maintained by his office. The applicant should be responsible for his own access arrangement. The proposed traffic improvement measures should be commented and agreed by Transport Department (TD) and should be implemented and maintained in good condition at all time by the applicant at his own cost. He presumed that the applicant would not install the proposed bollards and traffic signs on the public footpath at Tin Ha Road. If any bollards, traffic signs or other traffic facilities were proposed to be installed on the public footpath, the applicant should submit the proposal to TD and HyD for further comment;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comment that at least two rows of trees should be planted along the southern boundary to provide landscape screening to the existing residential development;
- (h) to note the Director of Fire Services’ comments that for the proposed separated converted container used as office, guardroom and ancillary car beauty uses, portable hand-operated approved appliances should be required and should be clearly indicated on plans provided that an access road was available within 30m from the said containers. Detailed fire safety requirements would be formulated upon receipt of submission of fire

service installations proposals; and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of the existing structures that had not obtained approval under the Buildings Ordinance (BO). The proposed containers were temporary structures 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 a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Formal submission under the BO was required for any proposed new works, including any temporary structures.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/323 Proposed Temporary Vehicle Park for Private Cars and Light Vans
for a Period of 3 Years
in "Open Space" and "Residential (Group E)2" zones,
Lot 1342 (Part) in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/323)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary vehicle park for private cars and light vans for a period of 3 years;

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

- (d) five public comments were received during the statutory publication period. While two residents of Hong Ping Villa expressed support to the application, one resident of Hong Ping Villa objected to the application mainly on security, environmental pollution and over-provision of car parking facilities grounds. The Chairman of Incorporated Owners of Fiori suggested that no offensive vehicles should be allowed to use the proposed temporary vehicle park, and crash gate and anti-theft devices should be installed, and noise nuisance and glare from additional lighting should be minimised. The Designing Hong Kong Ltd. considered that the over-supply of car parking spaces would result in lowering the cost of car use and ownership which was in conflict with Hong Kong's traffic demand management policies. The District Officer (Yuen Long) (DO(YL)) advised that two letters from two residents of Hong Ping Villa objecting to the application were received. One of the residents had separately submitted a comment on the application. Both residents concerned that the temporary use under application would create pollution and security problems, result in the loss of the only place for children playing and elderly resting for Hong Ping Villa, and affect their clean and quiet living environment; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although a major portion of the site (91.4%) fell within an area zoned "Open Space" ("O"), the Director of Leisure and Cultural Services pointed out that the site was currently not on the priority list for open space development by the Yuen Long District Council. He therefore had no objection to the application. Moreover, there was no known development proposal at the portion of the site falling within the "Residential (Group E)2" ("R(E)2") zone. Granting approval to the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the

subject “O” and “R(E)2” zones. The proposed vehicle park was for the parking of vehicles for visitors, delivery and estate maintenance entering the Hong Ping Villa only and did not involve any heavy and large goods vehicles, and was compatible with the surrounding low-rise residential developments. The proposed vehicle park was small in scale and provided only 5 parking spaces for private cars and light vans. It was unlikely to create significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Relevant Government departments consulted had no adverse comment on the application. Regarding the public comments received, concerned Government departments had no adverse comments on the application and relevant approval conditions restricting the operational hours and types of vehicles were recommended. The applicant would also be advised to adopt environmental mitigation measures, install crash gate and anti-theft devices and liaise with the residents on their proposals. With respect to the concerns of the Designing Hong Kong Ltd., it should be noted that the proposed temporary vehicle park was for the provision of only 5 car parking spaces for Hong Ping Villa to serve visitors, delivery and estate maintenance and should have little effect on car use and ownership in general. The Commissioner for Transport had no objection to the application.

33. A Member referred to the public comments received and asked why the Chairman of Incorporated Owners of Fiori would request the prohibition of funeral and refuse collection vehicles. Mr. W.M. Lam said that he did not have any information on whether such types of vehicle had entered the site. The concerns of the Incorporated Owners of Fiori might be due to the close proximity of the application site to Fiori.

34. Noting that the application site was not on the priority list for open space development by the District Council, the Vice-chairman enquired whether the local residents would use the site for recreation purpose. Mr. W.M. Lam replied that according to the photographs submitted by one of the commenters who was a resident of Hong Ping Villa, some potted plants were found surrounding the site and some people used the site as a playing area. The applicant, however, had clarified that the site had already been rented to

the management office of Hong Ping Villa for vehicle parking. The vehicle parking use was suspended when the management office learnt that planning permission from the TPB was required. Given the relatively large size of the site, Mr. Lam believed that some residents living in the area might sometimes use the site for recreation purpose.

Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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 12:00 midnight and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicles other than private cars and light vans, as proposed by the applicant, were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (e) in relation to (d) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.5.2011;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.2.2011;

- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2011;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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.

36. 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 structures were allowed to be erected without prior approval from his office;
- (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 Environmental Protection Department to minimise any possible environmental nuisances;
- (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. 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 (HyD)'s comments that HyD should not be responsible for the maintenance of any access connecting the site to Castle Peak Road;
- (f) to note the Director of Leisure and Cultural Services' comments that he might resume the land by giving advance notice without compensation to the applicant when the Yuen Long District Council would like to kick off the development programme;
- (g) to liaise with the residents of Hong Ping Villa explaining the proposal and addressing their concerns; and
- (h) to note the Chairman of Incorporated Owners of Fiori's suggestion that no offensive vehicles such as funeral and refuse collection vehicles should be allowed; crash gate and anti-theft devices should be installed; and noise nuisance and glare from additional lightings should be minimised.

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

Agenda Item 11

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/143-2 Application for Extension of Time for Commencement of the Approved Concrete Batching Plant with a Relaxation of Building Height under Application No. A/YL-PS/143 for a Period of 1 Additional Year Until 22.8.2011 in "Industrial (Group D)" zone, Lot 793 in D.D. 124 and Lots 70-77, 215RP, 216 in D.D. 127, Hung Tin Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/143-2)

37. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for the application. The Committee considered the interest was indirect and Dr. Lau was allowed to stay at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the extension of time for commencement of the approved concrete batching plant with a relaxation of building height under Application No. A/YL-PS/143 for a period of 1 additional year until 22.8.2011;
- (c) departmental comments – no objection from concerned Government departments was received;

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

- (d) The District Officer (Yuen Long) advised that the local objection previously lodged by the nearby Hung Uk Tsuen villagers still stood. The Planning Department also received a public comment from the Hung Uk Tsuen Factory Union on 7.7.2010 expressing concerns on the traffic, environmental and hygienic problems relating to the proposed development; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for extension of time (EOT) for commencement of the approved development for one additional year based on the assessments made in paragraph 8 of the Paper. The EOT application was in line with the TPB Guidelines on 'Extension of Time for Commencement of Development' (TPG PG-No. 35B) in that there had been no material

change in the planning circumstances since the granting of the planning permission on 22.8.2003 (Application No. A/YL-PS/143) and that the commencement of development was delayed due to the land ownership issue. Moreover, the applicant had made efforts for the implementation of the approved development and compliance of the approval conditions by submitting the landscaping proposal. The proposed extension period of one additional year would not result in an aggregate extension period longer than the original duration (i.e. 4 years) for commencement of the approved development proposal and was in line with the TPB PG-No. 35B. There was also no objection to the EOT from concerned Government departments. The local concerns of the proposed development on traffic, environmental and hygienic problems had been fully considered by the Board in granting the planning permission on 22.8.2003. The technical assessments submitted at the s.16 and s.17 planning application stages by the applicant had already demonstrated that the proposed development would not have adverse environmental and traffic impacts on the surrounding areas.

39. Members had no question on the application.

Deliberation Session

40. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.8.2011, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced. The permission was subject to the following conditions:

- (a) the implementation of the accepted landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities as proposed to the satisfaction of the Director of Drainage Services or of the TPB; and

- (c) the provision of emergency vehicular access, water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) to note the District Lands Officer/Yuen Long's comments that the applicant should apply to his office for a Short Term Waiver (STW) to cover the proposed structures. The applicant should clarify whether the existing hoardings, drainage facilities and the planted trees were within the boundary of the lots concerned. Any encroachments onto the adjoining Government Land (GL) should be avoided. If the adjoining GL would also be affected by the site, the applicant should apply to his office for a Short Term Tenancy (STT) to cover the GL portion. He, however, wished to caution that there was no guarantee that the STT would be granted as proposed. His office reserved the right to take land control action to the illegal occupation of GL as appropriate. The site was accessible through a village track on GL leading to Hung Chi Road. A non-exclusive right-of-way (ROW) might be given to the applicant who should be responsible to form, maintain and uphold an access road over the GL during the term of the STW if approved. However, there was also no guarantee that the ROW would eventually be granted as proposed;
- (c) to note the Director of Environmental Protection's comments that:
 - (i) it was specified in Schedule 1 of the Air Pollution Control Ordinance that "works in which the total silo capacity exceeds 50

tonnes and in which cement is handled” was a specified process, for which a Specified Process Licence was required for its operation;

- (ii) Schedule 2 of the Environmental Impact Assessment Ordinance specified that “a cement works or concrete batching plant with a total silo capacity of more than 10,000 tonnes in which cement is handled and manufactured” was a designated project, for which an environmental permit was required for its construction and operation; and
 - (iii) the applicant should be reminded to implement the environmental mitigation measures proposed in his Planning Statement submitted to TPB for Application No. A/YL-PS/143; and
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the proposed access road leading from Hung Tin Road to the site of not less than 4.5m wide should be completed prior to the application of occupation permit. Otherwise, the development intensity would be determined by the Building Authority under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. Formal submission of the proposed concrete batching plant, office and any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. Attention should be paid to the requirements stipulated in PNAP 255 for Concrete Batching Plant and B(P)R 41D in respect of the provision of emergency vehicular access.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/687 Temporary Logistics Centre, Container Vehicle Park,
Open Storage of Containers and Construction Materials with
Ancillary Vehicle Repair Workshop for a Period of 3 Years
in “Comprehensive Development Area” and “Commercial/Residential”
zones, Lots No. 2187 RP (Part), 2380 RP (Part), 2381 RP, 2382 (Part),
2383 RP (Part), 2384 S.A (Part), 2384 S.B (Part), 2385 RP (Part),
2412 RP, 2415 RP, 2416, 2417, 2418 RP (Part) and 2419 RP in D.D.
129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/687)

Presentation and Question Sessions

42. Mr. Kepler Y.S. Yuen, STP/TMYL, said that there was a typing error in paragraph 13.2(i) of the Paper which should read as “in relation to (h) above.....”. He then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary logistics centre, container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected. There was also a noise pollution complaint against the site in 2010;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the site was a blight on the environment, not in line with the planning intention for the area. The commenter, however, had mistaken the site as falling within Category

3 areas under the TPB Guidelines No. 13E and opined that it was not suitable for open storage use. 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 three years based on the assessments made in paragraph 12 of the Paper. The site fell mainly within Category 1 (99.4%) areas (with a very minor portion falling within Category 2 areas) under the TPB Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) in which favourable consideration would normally be given to applications within Category 1 areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The site was covered by Application No. A/YL-HT/566 approved with conditions by the Committee on 19.8.2008 for the same use. The current application sought to provide more structures at the site with a different layout. The areas surrounding the site were predominantly occupied for open storage yards, warehouses and vehicle parks. In this regard, the applied use was not incompatible with the surrounding uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the "Comprehensive Development Area" ("CDA") and "Commercial/Residential" ("C/R") zones on the OZPs since there was not known programme to implement the zoned use on the OZPs. Although part of the site marginally encroached upon Category 2 areas, it only served as an ingress/egress point for the site and would not be used for open storage. Relevant Government departments consulted, except DEP, had no adverse comment on the application. The technical concerns raised by the Chief Town Planner/Urban Design and Landscape of PlanD, the Director of Fire Services and the Chief Highway Engineer/New Territories West of the Highways Department could be addressed by approval conditions as recommended in the Paper. To address DEP's concern on environmental impacts, approval conditions restricting the

operation hours and stacking height of materials stored on-site had been proposed. The Committee had approved the previous applications No. A/YL-HT/75, 356, 361, 503, 515 and 566 for similar uses since 1999. Since granting the previous approvals, there had been no material change in the planning circumstances. As the planning permission of Application No. A/YL-HT/566 was still valid (until 19.9.2011) and the applicant had yet to comply with the fire service installations approval conditions, the previously imposed shorter compliance periods should be maintained. Approval of the subject application was in line with the Committee's previous decisions. Regarding the objection against the application, peripheral landscaping had already been provided under the last previous approval (Application No. A/YL-HT/566) and approval condition requiring the submission of a landscape proposal had been recommended. On the comment relating to the planning intention of the "CDA" and "C/R" zoning of the site, the approval of the application on a temporary basis would not frustrate the planning intention of the "CDA" and "C/R" zones since there was not yet any known programme to implement the zoned use on the OZPs.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the

periphery of the site should not exceed the height of the boundary fence during the planning approval period;

- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (e) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/566 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/566 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.11.2010;
- (h) the submission of a landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.11.2010;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.11.2010;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.2.2011;

- (l) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.11.2010;
- (m) in relation to (l) above, the implementation 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 13.2.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon 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.

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

- (a) shorter compliance periods had been imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) 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 his prior approval; to apply to him for Short Term Tenancy/Short Term Waiver (STT/STW) to regularise the unauthorised structures (including converted containers) and unauthorised occupation of Government land on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, he would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through other private land. He did not guarantee right-of-way;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (e) 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. 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 (HyD)'s comments that the applicant should construct a run in/out at the access point at Lau Fau Shan Road in accordance with the latest version of HyD's standard drawings No. H1113 and H1114, or H5133, 5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. 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;
- (g) to note the Director of Fire Services' comments on the requirements of formulating fire service installation (FSI) proposals as stated in Appendix V of the Paper. Detailed fire safety requirements would be

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

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/YL-HT/689

Temporary Logistics Yard, Open Storage of Containers, Container Vehicle Park with Ancillary Workshop (Tyre Repair, Compacting and Unpacking) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 57 (Part), 66 (Part), 67 (Part), 68, 69, 70 (Part), 71 (Part), 73 (Part), 74 (Part), 75 (Part), 76 S.A (Part), 76 S.B, 77 (Part), 78, 79, 80 (Part), 84 (Part), 85, 86, 87, 88, 89 (Part), 91, 781 S.B RP, 782 S.B RP, 783 S.B RP, 784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in D.D. 125, Lots No. 3212 RP (Part), 3228 (Part), 3234 (Part), 3235 (Part), 3237 (Part), 3238, 3239 (Part), 3240 (Part), 3241 (Part), 3251 RP (Part), 3281 (Part), 3282 (Part), 3283 (Part), 3284 (Part), 3285 (Part), 3286 (Part), 3287 RP (Part), 3288 RP (Part), 3289 S.B RP (Part) and 3442 (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/689)

46. The Committee noted that the applicant requested on 27.7.2010 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to amend the site layout.

47. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/YL-HT/690

Temporary Open Storage of Containers, Plastic, Construction Materials, Scrap Metal, Scrap Plastic, Used Paper Products with Ancillary Logistics Yard and Container Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 31 RP (Part) and 32 RP in D.D. 128, Lots No. 2433 (Part), 2436 (Part), 2437 (Part), 2438 S.A RP (Part), 2438 S.B (Part), 2447 (Part), 2958 (Part), 2959 (Part), 2960, 2961 S.A (Part), 2961 RP (Part), 2962 (Part), 2963 (Part), 2964, 2965, 2966, 2967, 2968 S.A, 2968 S.B, 2969, 2970, 2971, 2972, 2973, 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2983 RP (Part), 2984, 2985, 2986, 2987, 2988, 2989 RP, 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3080 (Part), 3081 (Part), 3082 S.A (Part), 3082 S.B, 3083, 3084, 3085, 3086 (Part), 3087 (Part) and 3088 S.B (Part) in D.D.129 and Adjoining Government Land, Ha Tusen, Yuen Long
(RNTPC Paper No. A/YL-HT/690)

48. The Committee noted that the applicant requested on 30.7.2010 for a deferment of the consideration of the application for two months in order to allow more time for the applicant to resolve the land dispute for Lots No. 2993 and 2995 in D.D. 129 as mentioned in paragraph 1.2 of the Paper.

49. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting]

A/YL-NSW/200 Renewal of Planning Approval for Temporary Private Car Park under Application No. A/YL-NSW/190 for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone,
Lot 1212 S.A ss.3 (Part) in D.D. 115, Chung Yip Road,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/200)

A/YL-NSW/201 Renewal of Planning Approval for Temporary Container Tractor/Trailer Park under Application No. A/YL-NSW/191 for a Period of 2 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone,
Lots 1212 S.A ss.2 and 1212 S.A ss.3 (Part) and
Adjoining Government Land in D.D. 115, Chung Yip Road,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/201)

50. Noting that the two applicants were submitted by the same applicant, similar in nature and were located next to each other, Members agreed that the applications could be considered together.

51. The Secretary reported that both applications were to seek the planning approval of the TPB to renew the temporary private car park under Application No. A/YL-NSW/190 (Application No. A/YL-NSW/200) and the temporary container tractor/trailor park under Application No. A/YL-NSW/191 (Application No. A/YL-NSW/201), all for a period of two years. As advised by the District Lands Officer/Yuen Long (DLO/YL), some Government land was included in the sites for which no permission had been granted. The applicant therefore requested on 29.7.2010 for a deferment of the consideration of each of the application for two months so as to allow sufficient time for the applicant to liaise with DLO/YL and consider revising the proposed layout for each of the application.

52. The Secretary said that it was subsequently found that the permission of the two applications would both expire on 21.8.2010. Should the current applications be allowed to defer for two months, the planning permissions granted under Applications No. A/YL-NSW/190 and 191 would have been expired when the further information was submitted and considered by the Committee. Having liaised with the applicant, the applicant verbally advised the Planning Department (PlanD) that he was prepared to withdraw the applications pending the resolution of the land dispute. However, on 13.8.2010, the TPB Secretariat received a letter from the applicant, which had been tabled at the meeting for Members' reference, stating that he decided to withdraw the request for deferral and wish to proceed with the applications. Given the short notice, it would be impossible for PlanD to submit a paper on the two applications for consideration by the Committee at this meeting. The Secretary suggested deferring a decision on the applications for one week and the applications would be submitted for consideration of the TPB at the meeting on 20.8.2010.

53. After deliberation, the Committee decided to defer a decision on the applications for one week and agreed that the applications should be submitted to the TPB for consideration at its next meeting on 20.8.2010.

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-TT/266 Proposed 4 Houses (New Territories Exempted Houses - Small Houses)
in "Residential (Group D)" and "Village Type Development" zones,
Lot 5030 in D.D. 116, Hung Tso Tin Tsuen, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/266)

54. The Committee noted that the applicant's representative requested on 22.7.2010 for a deferment of the consideration of the application for two months in order to allow the applicant to liaise with the residents living in the locality and nearby villages to address their concerns.

55. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/485 Temporary Warehouse for Storage of Construction Materials and Batteries (with Ancillary Workshop Activities) for a Period of 3 Years in “Undetermined” zone, Lots 989 (Part) and 990 (Part) in D.D. 119, Yuen Long
(RNTPC Paper No. A/YL-TYST/485)

Presentation and Question Sessions

56. Mr. Kepler Y.S. 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 construction materials and batteries (with ancillary workshop 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 of residential structures to the east and in the vicinity of the site, and environmental nuisance was expected. One environmental complaint on the site related to air pollution was also received in 2009;

- (d) two public comments were received during the statutory publication period. One of the comments, submitted by a Yuen Long District Councillor, objected to the application as the application site was close to residential dwellings and concerned that the dismantled batteries would result in pollution and health problems to the residents. The other commenter, the Designing Hong Kong Ltd., 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 area, and the site was not suitable for open storage use in Category 3 areas under the 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 three years based on the assessments made in paragraph 11 of the Paper. The applied warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with its surrounding areas which already comprised a number of warehouses, storage yards and workshop. Since there was no known development programme, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application, the proposed development was for storage purpose in enclosed warehouse structures, the nearest house was occupied by the applicant's family, and the applicant proposed not to operate during night time and on Sundays and public holidays, and to carry out the ancillary workshop activities only within the warehouse. Moreover, DEP considered that the storage of batteries on the site might not be a major environmental issue as no used batteries were stored and the area for storage of batteries was fully covered and well-paved. To address possible environmental concern, approval conditions restricting the operation hours, prohibiting the carrying out of dismantling and workshop

activities in the open area, prohibiting the storage of used batteries, electronic parts and electronic waste and restricting the use of medium and heavy goods vehicles were recommended. Other Government departments consulted generally had no adverse comment on the application. Relevant approval conditions were also recommended to require the submission and implementation of landscape, drainage and fire service installations proposals and a tree survey report with a view to addressing the latest technical concerns of the Chief Town Planner/Urban Design and Landscape of PlanD, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services. Regarding the two public objections mainly on environmental, land use compatibility, landscaping and visual grounds, relevant Government departments consulted generally had no adverse comment and the environmental, landscaping and visual concerns could be addressed by imposing relevant approval conditions.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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 10:00 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 in the open area of the application site, as proposed by the applicant, at any time during the planning approval period;

- (d) no used batteries, electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (e) no medium or heavy goods vehicles over 5.5 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;
- (f) the submission of landscape proposal, including a tree survey report, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.5.2011;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.2.2011;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2011;
- (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 13.2.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.5.2011;

- (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.

59. 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's comments that he reserved the right to take enforcement action against the unauthorised structures erected on the lots within the site if indeed found in due course. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularise the irregularities on the site. Should no STW be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners. It should also be noted that the site was accessible through a long stretch of informal village track on Government land or other private land extended from Kung Um Road. His office did not provide maintenance works for the track nor guarantee right-of-way;

- (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. 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 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 minimise any potential environmental nuisances;
- (g) to note that, in the landscape proposal to be submitted, all the existing trees should be marked on plan and be differentiated from the proposed trees by using two different symbols in order to avoid confusion;
- (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 his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the Director of Fire Services' comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide

justifications to his Department for consideration; and

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the existing structures that apparently had not obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The two warehouses and the guardroom/site office/storeroom proposed were temporary structures 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 did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/486 Temporary Open Storage of Construction Materials, Scrap Metal and Furniture (with Ancillary Site Office) for a Period of 3 Years in "Undetermined" and "Village Type Development" zones, Lots 320 (Part), 322 S.A (Part), 322 S.B (Part), 323 (Part), 324 (Part), 325 (Part) and 1421 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/486)

Presentation and Question Sessions

60. Mr. Kepler Y.S. 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, scrap metal and furniture (with ancillary site office) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers of residential uses to the southwest and northeast of the application site, and environmental nuisance was expected. No environmental complaint concerning the site had been received in the past three years;

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

- (d) one public comment from the Designing Hong Kong Ltd. was received during the statutory publication period. The commenter 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 area, and the site was not suitable for open storage use in Category 3 areas under the 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 three years based on the assessments made in paragraph 12 of the Paper. According to TPB Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13E), the site fell largely within Category 1 areas (i.e. about 89.3% of the site), where favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The remaining part fell within Category 4 areas (i.e. about 10.7% of the site), where applications would normally be rejected except under exceptional circumstances. As a

majority of the site fell within Category 1 areas, the application was generally in line with the TPB PG-No.13E. There were also similar applications in this part of the “U” zone that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage and port back-up uses. The designation of the “U” zoning was mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) had no adverse comment on the application. Regarding the part of the site fell within the “V” zone, the District Lands Officer/Yuen Long (DLO/YL) advised that there was currently no Small House application within this area. The approval of the application on a temporary basis would not frustrate the long-term use of the area. The development was in general not incompatible with the surrounding areas which were mixed with open storage yards, warehouses and workshops. Although DEP did not support the application, there had not been any environmental complaint in the past three years. To address DEP’s concern, approval conditions restricting the operation hours, prohibiting the carrying out workshop activities, prohibiting the storage of used electronic parts and electronic waste and restricting the use of heavy goods vehicles were recommended. Other relevant Government departments consulted generally had no adverse comment on the application. Nevertheless, relevant approval conditions were recommended to address the latest technical concerns of Government departments. Previous planning approvals had been granted for temporary open storage use on the site under Applications No. A/YL-TYST/208, 250 and 352, and the approval conditions of the last application in relation to the landscaping, drainage and fire safety aspects had been compiled with. Regarding the public objection mainly on land use compatibility, landscaping and visual grounds, relevant approval conditions could be imposed to address the concerns.

61. Members had no question on the application.

Deliberation Session

62. By referring to approval condition (l) in paragraph 13.2 of the Paper, the Vice-chairman asked whether there were cases that had been revoked by the Planning Authority and whether the applicant would need to vacate the site immediately upon revocation of the planning permission. The Secretary explained that from time to time there were planning permissions being revoked owing to non-compliance with approval conditions. According to the established practice, when any planning condition of an approved application was found not complied with by the specified date, the Town Planning Board (TPB) Secretariat would issue a letter to the applicant, notifying him that the planning permission had been revoked on the same day and the applied use could not be continued. It would depend on the operator whether the site would be vacated immediately. Subject to the collection of evidence, the Planning Authority might issue an Enforcement Notice (EN) requiring the unauthorised development be discontinued within a specified period of time and a Reinstatement Notice requiring the site be reinstated, as appropriate. Non-compliance of the notices would be subject to prosecution under the Town Planning Ordinance.

63. Referring to condition (m) in paragraph 13.2 of the Paper, Mr. Simon K.M. Yu asked why there was a difference in the wording used as compared with approval condition (l) of the Paper. Mr. Kepler S.Y. Yuen explained that approval condition (l) was used to govern those approval conditions without a time limit, such as the use and the operation hours, which were required to be complied with during the whole planning approval period. Approval condition (m) was used to govern those conditions that needed to be complied with within a specified time limit, say in 6 months or 9 months. The Secretary added that the Department of Justice (DoJ) had previously been consulted on the wording used in the approval conditions relating to revocation.

64. A Member noted that the Fire Services Department raised no objection to the application and asked how much time would the applicant be allowed to provide the fire service installations (FSIs) if the application was approved. Mr. Kepler S.Y. Yuen said that 6 months and 9 months were allowed for the submission and implementation of the FSIs respectively, as stipulated in approval conditions (j) and (k) of the Paper.

65. Another Member sought clarifications on the procedures relating to the enforcement actions to be undertaken by the Planning Authority. The Secretary explained that for a development which was not an 'existing use', not permitted in terms of the relevant

statutory plan and not granted with a planning permission by the TPB, it would be regarded as an 'unauthorised development' and subject to planning enforcement action. EN would be issued to the concerned landowner(s) and/or operator requiring the unauthorised development be discontinued by a specified date, normally in three months' time. The Secretary went on to say that the Central Enforcement and Prosecution Section of PlanD was responsible for the day-to-day enforcement and prosecution duties in relation to unauthorised developments identified. In case the unauthorised development continued after the date specified in the EN, the Planning Authority might institute prosecution action against the concerned landowner(s) and/or operator for non-compliance with the EN. If necessary, DoJ's advice would be sought before taking any legal action, including the issue of summons in accordance with the court's procedures.

66. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, 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, 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 used electrical appliances, televisions, computer monitors, computer/electronic parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (e) 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;

- (f) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.5.2011;
- (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 13.2.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.5.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the storage of used electronic parts and equipment which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (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 (DLO/YL)'s comments that built-over area exceeding 89.31m² was a breach of Short Term Waiver (STW) No. 3225 issued in respect of Lot 323 in D.D. 119 and was liable for enforcement. The unauthorised structure for storeroom on Lot 324 in D.D. 119 was also liable for enforcement. The registered lot owners should apply to his office for STW or modification of it to regularise the irregularities on the site. Should no such application be received/approved and the irregularities persist on-site, his office would consider taking appropriate enforcement action against the registered owners. It should also be noted that the site was accessible through a long stretch of informal village track on Government land or other private land extended from Shan Ha Road. His office did not provide maintenance works for the track nor guarantee right-of-way;
- (e) 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. 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 Shan Ha 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 minimise any potential environmental nuisances;
- (h) to note that the existing trees around the site were found to be poorly maintained. The planting area should be kept clean and tidy at all times. The stored materials and rubbish should be kept away from the base of all tree planting. The dead trees found within the site should be replaced and illustrated in the landscape proposal;
- (i) 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 or passing through the site at all times. The applicant should also consult the DLO/YL and seek consent from the relevant owners for any works carried out outside his lot boundary;
- (j) 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 his inside services to the nearest government water mains for connection. The applicant should resolve

any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (k) to note the Director of Fire Services' comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration; and

- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on-site which were liable to action under Section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. Containers used as office or store were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under 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.

[The Chairman thanked Ms. S.H. Lam, Mr. W.M. Lam and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Ms. Lam, Mr. Lam and Mr. Yuen left the meeting at this point.]

Tsuen Wan and West Kowloon District

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 20

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/20-2 Application for Class B Amendments to the Scheme Approved under Application No. A/I-MWI/20 – Proposed Resort Hotel and Ancillary Facilities in “Other Specified Uses” annotated “Recreation and Tourism Related Uses” and “Comprehensive Development Area” zones,
Ma Wan Lots 151, 214, 215 and 218 (part) and Lot 219, Ma Wan
(MPC Paper No. A/I-MWI/20-2)

68. The Secretary said that though the application was submitted by Ma Wan Farming Ltd., it involved a vehicular access which related to another development submitted by Sun Hung Kai Properties Ltd. (SHK). Mr. Y.K. Cheng, having current business dealings with SHK, had declared an interest in this item. Mr. Cheng left the meeting temporarily at this point.

Presentation and Question Sessions

69. Mr. Y.S. Lee, STP/TWK, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed resort hotel and ancillary facilities – application for Class B Amendments to the scheme approved under Application No. A/I-MWI/20;
- (c) departmental comments – no objection from concerned Government

departments was received;

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

- (d) local comments as conveyed by the District Officer (Tsuen Wan) (DO(TW)) were summarised as follows:
 - (i) the Tsuen Wan District Councillor supported the proposal;
 - (ii) the Chairman of Ma Wan Rural Committee (MWRC) commented that the developer should provide briefing on the development proposal to MWRC and Tsuen Wan District Council upon completion of the consultation exercise;
 - (iii) the Chairman of the Park Island Owners' Committee (PIOC) commented that the submission had provided no detailed information on the transport arrangement of the hotel's coach and cast doubt on the conclusion that the project would have no impact on the current transport of Ma Wan; and
 - (iv) upon receipt of the further information, the PIOC objected to the application and pointed out that there was still a lack of detailed information on the routing of the two bus routes, the transport arrangement, and the information contained no data demonstrating that the capacity could withstand the future passenger and vehicular flow, which might impose threat on the traffic congestion and accidents on the island; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for Class B amendments based on the assessments made in paragraph 10 of the Paper. The current scheme for Class B amendments mainly related to the changes in the location of ingress/egress point, layout of internal roads, loading/unloading, change in the number of building blocks of the proposed resort hotel development that was approved with conditions in 2001. Regarding the reduction in GFA and number of hotel rooms, change in building height and number of storeys, types and mix of

use, change in internal layout and disposition of premises, change in the location of private open space, change in tree preservation and landscape master plan, they could be regarded as Class A amendments which did not require further application to the Board. With the above changes, the maximum plot ratio of 0.4 and maximum building height of not exceeding 20m of the proposed buildings were in compliance with the restriction of the “Other Specified Uses” annotated “Recreation and Tourism Related Uses” zone. Relevant Government departments consulted generally had no objection to or adverse comment on the proposed Class B amendments. The requirements and technical concerns of Government departments could be addressed by relevant approval conditions and advisory clauses as recommended in the Paper. Regarding the local concerns on the transport arrangement, they were detailed traffic arrangements which could be dealt with by way of planning conditions. Also, the Commissioner for Transport had no in-principle objection to the proposed amendments and requested the applicant to apply to his Department via the vehicle permit system for the transport arrangement of the proposed resort hotel at a later stage. As vehicle movement in/out of Ma Wan was subject to control access, the applicant had to prepare for devising an access control mechanism for the proposed resort hotel for application to the Transport Department (TD). Also, the applicant was advised to consult the PIOC on the detailed traffic and transport arrangement affecting the Park Island.

70. Mr. T.K. Choi referred to advisory clause (c) stipulated in the Paper and said that TD was not responsible for managing village roads and hence the owner should not be asked to submit plans to TD for approval. He said that the management of village roads was normally undertaken by the relevant District Office. Mr. Simon K.M. Yu said that the advisory clause was only reflecting the District Lands Officer/Tsuen Wan and Kwai Tsing (DLO/TW&KT)’s comments and hence it would be inappropriate to amend the comments of DLO/TW&KT on the application. The Secretary said that the advisory clause was only included to remind the applicant to take note of the comments of DLO/TW&KT and the division of responsibility between Government departments should be sorted out internally within Government at land grant stage.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.10.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- (a) the submission and implementation of a revised Master Layout Plan to take into account the approval conditions (b), (c), (d), (f), (g), (i), (l) and (n) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of detailed layout and design of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a landscape master plan including a tree survey report and tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of proposals for the preservation of Ma Wan Kiln within the site to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (e) the design and provision of noise mitigation measure to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the design and provision of sewerage facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of an assessment on the impact of the proposed development on the water supply system in Ma Wan taking into account

other planned developments and their development programmes and, if necessary, the upgrading of water supply system, to cater for the additional water demand arising from the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;

- (i) design and provision of emergency vehicular access (EVA), water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the submission of a development programme and the implementation of the proposed development according to the programme to the satisfaction of the Director of Planning or of the TPB;
- (k) the submission of detailed arrangement of the hotel shuttle service route, transport plan and the passenger drop-off point at or near the Park Island to the satisfaction of the Commissioner for Transport and the Director of Lands or of the TPB;
- (l) the design and provision of lay-by, loading/unloading bay, passing-bay to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the submission and implementation of a traffic and transport management plan to the satisfaction of the Commissioner for Transport or of the TPB;
and
- (n) the re-provisioning of the existing pedestrian access within the application site leading to the Ma Wan Old Village to the satisfaction of the Director of Lands or of the TPB.

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

- (a) to revise the Master Layout Plan (MLP) to take into account the conditions of approval imposed by the Town Planning Board (TPB). The approved MLP, together with the set of approval conditions, would be certified by

the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;

- (b) to resolve the Fung Shui issue and any impact on the typhoon shelter with the local villagers and fishing community respectively before implementation of the scheme;
- (c) to note the District Lands Officer/Tsuen Wan and Kwai Tsing's comments that the lot owner should demonstrate with plans and such other necessary information to the satisfaction of the relevant departments including no less than Transport Department (TD), Fire Services Department and Buildings Department (BD) that the existing village road met the required standards for facilitating the proposed resort hotel development. If the lot owner needed to improve the existing village road to satisfy the access road standards as required by the Government departments, the lot owner had to apply to his office for a land exchange or an easement. The application would have to be processed under Cap. 370 and the consent, if given, would be subject to terms and conditions including premium and fee as might be imposed by the Government. There was no guarantee that the application would be approved;
- (d) to note the Chief Building Surveyor/New Territories West, BD's comments that the access road serving the Site should be a specified street of width not less than 4.5m. The Authorised Person was required to demonstrate compliance with requirements laid down in PNAP 111, otherwise, the proposed hotel development could not be considered under Building (Planning) Regulations (B(P)R) 23A. The internal streets/roads should be deducted from site area for the purpose of site coverage and plot ratio calculations. The Authorised Person should be reminded to comply with the requirements of provisions of natural ventilation in accordance with B(P)R. Detailed comments would be made upon formal submission of plans for approval by the Building Authority;

- (e) to note the Commissioner for Transport (C for T)'s comments that the applicant should be required to apply to the TD to the satisfaction of C for T via the vehicle permit system for the proposed resort hotel and to devise an access control mechanism for application to TD as vehicle movement in/out Ma Wan was subject to control access. The applicant should provide the details of measures through which they could encourage hotel guests to take ferry service, as ferry should be the principal transport mode for Ma Wan in terms of carrying capacity during the peak hours, in order not to overload the Lantau Link;
- (f) to note the Director of Environmental Protection's comments that the applicant should note his previous detailed comments on the air quality, noise, sewage and water quality issues;
- (g) to note the Director of Fire Services' comments that a copy of the occupation permit issued by the Building Authority should be submitted to his office at the time of application under the Hotel and Guesthouse Accommodation Ordinance. The licensed areas in one application should be physically connected and should not be separated by other private residences or uses not in connection with the applicant's business as a hotel operator. Building safety and fire safety requirements would be formulated after inspection upon receipt of the formal application under the Hotel and Guesthouse Accommodation Ordinance. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The EVA provision at the Site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the existing and proposed water mains were affected by the proposed development. The applicant was required to submit diversion proposal for his comment and agreement. The applicant

should also resolve any land matter (such as private lots) associated with the provision of water supply. The cost of diversion of water mains should be borne by the applicant. The applicant was required to liaise with the Chief Engineer/Consultants Management, WSD to resolve any interface issues with the proposed works of Rehabilitation and Replacement of Water Mains Stage 4;

- (i) the applicant should provide briefing on the development proposal to the Ma Wan Rural Committee and Tsuen Wan District Council upon completion of the consultation exercise; and
- (j) the applicant should consult the Park Island Owners' Committee and to seek consent from the owners of the Park Island on the detailed arrangement including the bus route, transport plan and the passenger drop off point at or near the Park Island.

[The Chairman thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquires. Mr. Lee left the meeting and Mr. Y.K. Cheng returned to join the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 21

Section 12A Application

[Open Meeting]

Y/NE-KTS/3 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Agriculture” to “Other Specified Uses” annotated “Rural Use” or “Comprehensive Development Area”, Various Lots in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/3C)

73. The Committee noted that the applicant’s representative requested on 28.7.2010 for the fourth deferment of the consideration of the application for a further two months in order to allow more time for the applicant to prepare supplementary information to address the outstanding departmental comments.

74. 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 also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information, and as a total of eight months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 22

Section 12A Application

[Open Meeting]

Y/TP/13

Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15 and Approved Tai Po Outline Zoning Plan No. S/TP/21 from “Green Belt”, “Conservation Area”, “Village Type Development” and “Government, Institution or Community” to “Green Belt”, “Government, Institution or Community”, “Government, Institution or Community(1)” (“G/IC(1)”), “Village Type Development”, “Other Specified Uses” annotated “Comprehensive Development and Conservation Enhancement Area” (“OU(CDCEA)”) and an area shown as “Road” and Proposed New Sets of Notes for the Proposed “OU(CDCEA)” and “G/IC(1)” zones, Various Lots in D.D. 23 and D.D. 26 and Adjoining Government Land, Shuen Wan, Tai Po
(RNTPC Paper No. Y/TP/13C)

75. The Committee noted that the applicant requested on 27.7.2010 and 4.8.2010 respectively for a further deferment of the consideration of the application for 12 months in order to allow more time for the applicant to conduct a complete ecological survey for the application site in response to the Environmental Protection Department’s comment as conveyed by the Development Opportunities Office (DOO) of the Development Bureau in July 2010.

76. A Member noted that the applicant had requested to defer the consideration of the application for several times and enquired whether it was a recent departmental requirement to undertake the ecological survey. In response, the Secretary said that the application site included environmentally sensitive areas, the applicant recently learnt that a complete ecological survey was required for the application site to help justify his proposal and the survey would need to last for twelve months. Another Member considered that the ecological survey was necessary in view of the presence of wetland and ecologically important bird species at the site.

77. After further 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 also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that twelve months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/709 Shop and Services (Barber Shop) in “Industrial” zone,
Unit I4, G/F, Century Centre, 33-35 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/709)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (barber shop);
- (c) departmental comments – the Director of Fire Services did not support the application from the fire safety point of view as means of escape separated from the industrial premises was not available;
- (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 did not support the

application based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the TPB Guidelines for ‘Use/Development within “I” Zone’ (TPB PG-No. 25D). According to the TPB guidelines, the Fire Services Department (FSD) should be satisfied on the risks likely to arise or increase from the proposed commercial use under application. The subject premises was accessible through a doorway led off from a corridor within the industrial building. FSD did not support the application because means of escape separated from the industrial portion was not available for the application premises. The application was therefore not in line with the TPB PG-No. 25D.

79. Members had no question on the application.

Deliberation Session

80. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. After deliberation, the Committee decided to reject the application and the reason was that the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that means of escape separated from the industrial portion was not available for the application premises. The proposed barber shop was unacceptable from the fire safety point of view.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/196 Proposed Temporary Office for a Period of 3 Years
in “Industrial” zone,
Unit 305B, 3/F, Hong Leong Plaza (Phase I), 33 Lok Yip Road,
Fanling
(RNTPC Paper No. A/FSS/196)

Presentation and Question Sessions

81. Ms. Doris S.Y. Ting, STP/STN, said that the replacement page 7 for the Paper had been sent to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary office for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from a member of the public expressing support to the application was received during the statutory publication period. The District Officer (North) advised that while the North District Councillor indicated support to the application, the Chairman of Fanling District Rural Committee, the Chairman of N.T. North District Manufacturers Association of Hong Kong, the Residents’ Representative (RR) of Tong Hang and the RR of Shung Him Tong (West) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the proposed office was located on 3/F of an industrial building,

the applicant had confirmed that the proposed office would be used solely for office work and as a referral centre for local financial and banking institutions in the North District. No direct contact with customers would be arranged in the office premises. Moreover, fire fighting facilities such as sprinklers had been provided, and the applicant would follow the recommendations of the Fire Services Department for any improvement required. In this connection, the Director of Fire Services (D of FS) had no objection to the application. Relevant approval conditions restricting the use and operation hours of the proposed office, and requiring the submission and provision of fire service installations were recommended. In view of its small scale and nature of operation, it was unlikely that the proposed development would have adverse impacts on the surrounding areas. Concerned departments, including the Transport Department and the Environmental Protection Department, had no objection to or no comment on the application. Moreover, no local objection to nor public comment against the proposed development was received.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the application premises should only be used as a referral centre for local financial and banking institutions as submitted by the applicant;
- (b) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application premises during the planning approval period;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 13.2.2011;

- (d) in relation to (c) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.5.2011;
- (e) if the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (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.

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

- (a) to apply to the District Lands Officer/North for a temporary waiver of the user restriction and other relevant lease conditions for the proposed office development;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that the applicant was reminded to seek advice from an Authorised Person regarding the following aspects:
 - (i) means of escape under Building (Planning) Regulation (B(P)R) 41(1) and the Code of Practice for the Provision of Means of Escape in case of Fire 1996 should be complied with;
 - (ii) 2 hours fire resisting separation wall between the office and the remaining portion of existing workshops on 3/F should be provided in accordance with the Code of Practice for Fire Resisting Construction 1996 and Building (Construction) Regulation 90; and
 - (iii) natural lighting and ventilation to the proposed office should be

provided in accordance with B(P)R 30; and

- (c) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the subject industrial building was located within the flood pumping gathering ground.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/410 Proposed 8 Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 1846 S.A. (Part), 1846 RP (Part), 1850 (Part), 1851 (Part),
1852 S.B RP and 1852 S.B ss.1 RP in D.D. 76 and
Adjoining Government Land, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/410B)

Presentation and Question Sessions

85. 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 8 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was graded as “good” agricultural land with high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application as NTEH development should be confined within “Village Type Development” (“V”) zone as far as possible and approval of

such development would set an undesirable precedent case for similar applications in the future;

- (d) two public comments were received during the statutory publication period. One of the comments indicated no comment on the application. The other comment, submitted by the Designing Hong Kong Ltd., objected to the application on the grounds that the proposed development was incompatible with the zoning intention of the site and the lack of a sustainable village layout would cause adverse impacts on the living environment and well being of the residents. The District Officer (North) advised that the Chairman of Fanling District Rural Committee, Indigenous Inhabitants Representative and Residents Representative of Kan Tau Tsuen objected to the application as the application site did not fall within the village 'environs' ('VE') and might overload the traffic. The Village Representative of Kan Tau Tsuen had great concerns on the environmental deterioration caused by the increase of traffic flow; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The majority of the application site (about 78.2%) and all the footprints of the proposed 8 Small Houses fell entirely within the 'VE' of Kan Tau Tsuen. There was insufficient land in the "V" zone of Kan Tau Tsuen to meet the demand of village houses. Hence, sympathetic consideration could be given to the application. Although the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application, it should be noted that the application site was located to the immediate north of the "V" zone of Kan Tau Tsuen and the proposed Small Houses development was not incompatible with other village houses in the vicinity. Moreover, the application site was the subject of a previously approved application (No. A/NE-LYT/389) for proposed three NTEHs (Small Houses). There had been no change in the planning circumstances since the approval of this previous application. Similar applications for Small House development within the same "AGR" zone had also been approved with conditions by

the Committee. Although C for T had reservation on the application, the application site was located to the north of the village proper of Kan Tau Tsuen and was directly abutting Sha Tau Kok Road – Ma Mei Ha and the traffic associated with the proposed development was not expected to be significant. The concern of Chief Engineer/Mainland North of Drainage Services Department could be addressed through the incorporation of approval conditions on submission and implementation of drainage proposals and the applicants would be advised to address the interface issue of the proposed Small House development and the existing stream course in the drainage proposals. With respect to the public comment objecting to the application, it should be noted that the proposed Small Houses development was not incompatible with the village houses in the neighbourhood and would not cause significant adverse environmental and landscape impacts on the surrounding area. Concerned Government departments had no adverse comment on or no objection to the application. Majority of the application site and the footprints of all the proposed eight Small Houses fell within the ‘VE’ of Kan Tau Tsuen and the District Lands Officer/North had no objection to the application. In addition, the traffic associated with the proposed development was not expected to be significant and DEP had advised that the application alone was unlikely to cause major pollution.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.8.2014, 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;

- (b) the provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.

88. The Committee also agreed to advise the applicants of the following:

- (a) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that existing trees should be preserved in-situ as far as possible and be protected from damage by construction works. If in-situ preservation of those trees on the application site was not possible, transplanting them within the application site should be proposed and landscape planting should be provided along perimeters of the application site for screening and greening to the proposed development;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department's comments as follows:
 - (i) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the proposed developments were within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
- (c) to note the Chief Engineer/Mainland North, Drainage Services

Department's comments as follows:

- (i) as the proposed Small Houses would affect the existing stream course, the applicants should either divert the existing stream course away from the proposed Small Houses or relocate the proposed Small Houses away from the existing stream course. A clearance of 3.5m between the proposed Small Houses and the existing stream course was recommended; and
 - (ii) drainage proposals should include details of how to deal with the existing stream to ensure that the existing flow paths as well as the runoff falling onto and passing through the application site should be intercepted and disposed of via proper discharge points; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the Town Planning Board where required before carrying out the road works.

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

Agenda Items 26 and 27

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/422 Temporary Warehouses (excluding Dangerous Goods Godown)
for a Period of 3 Years
in “Residential (Group C)” and “Agriculture” zones,
Lots 755, 835 S.B ss.1, 836, 837, 838 RP, 841 RP, 842 RP, 844 RP
and 854 in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/422A)

A/NE-LYT/423 Temporary Warehouses (excluding Dangerous Goods Godown)
for a Period of 3 Years
in “Residential (Group C)” and “Agriculture” zones,
Lots 756, 792 RP, 803 RP, 838 S.A, 839, 840, 841 S.A, 842 S.A,
843 and 844 S.A in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/423A)

89. Noting that the two applications were submitted by the same applicant, similar in nature and the application sites were located in close proximity to each other, Members agreed that the applications could be considered together.

Presentation and Question Sessions

90. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the temporary warehouses (excluding dangerous goods godown) for a period of 3 years at each of the application site;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity of the application sites and along the access road, and environmental nuisance was expected. There was, however, no record of pollution complaint for the application sites in the past 3 years;

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

- (d) no public comment was received during the statutory publication period. The District Officer (North) (DO(N)) advised that the Chairman of Fanling District Rural Committee, Residents Representative (RR) and Indigenous Inhabitants Representative (IIR) of Ma Liu Shui San Tsuen, RR and IIR of Fu Tei Pai objected to the applications for reasons of possible environmental pollution and nuisance, adverse traffic impact on Dao Yang

Road and Hai Wing Road, the need to seek prior agreement from relevant owners of Dao Yang Road and Hai Wing Road which were private roads, and incompatibility with the land use zonings for the sites; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Papers. Although the temporary warehouses under application were not in line with the planning intentions of the “Residential (Group C)” (“R(C)”) and “Agriculture” (“AGR”) zones, it was considered that the approval of the applications on a temporary basis for three years would not frustrate the long-term planning intentions of the “R(C)”) and “AGR”) zones since the sites were located at the fringe of the “R(C)”) zone and there was no known programme for residential development or no agricultural activities on the application sites. The Director of Agriculture, Fisheries and Conservation did not have strong view against the application as the potential for agricultural rehabilitation was low. The temporary warehouses under application were not incompatible with the surrounding land uses and were unlikely to cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned Government departments generally had no adverse comment on or no objection to the application. The sites were the subject of previous applications (No. IDPA/NE-LYT/6, A/NE-LYT/260, 278 and 300 for Application No. A/NE-LYT/422, and No. IDPA/NE-LYT/5, A/DPA/NE-LYT/35, A/NE-LYT/277 and 301 for Application No. A/NE-LYT/423) for temporary workshops for manufacture or warehouses for storage of wooden and rattan furniture approved with conditions by the Committee between 1991 and 2005. The applicant had complied with all the approval conditions under the last approved applications (No. A/NE-LYT/300 and A/NE-LYT/301). There had been no change in the planning circumstances since the previous approvals were given. The nature of the temporary warehouses was similar to that of the previous planning approvals. Moreover, there was reduction in the total GFA as compared with the previous applications. DEP did not support the application but there was no record of pollution

complaint for the application sites in the past three years. The concern of DEP on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions. There were local objections against the application mainly on the grounds that the temporary warehouses under application would lead to adverse traffic impacts, generate noise nuisance and damage the tranquil environment. The concerned Government departments including the Commissioner for Transport and the Chief Highway Engineer/New Territories West of Highways Department had no objection to the applications. Besides, the local concerns on environmental grounds could be addressed through the incorporation of approval conditions.

91. Noting the local comments conveyed by DO(N) which pointed out that both Dao Yang Road and Hai Wing Road were private roads, Mr. T.K. Choi suggested adding an advisory clause requesting the applicant to check the land status and maintenance responsibility of Dao Yang Road and Hai Wing Road should the applications be approved by the Committee. Members agreed.

Deliberation Session

92. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 13.8.2013, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission was subject to the following conditions:

Application No. A/NE-LYT/422

- (a) no operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles / container vehicles were allowed to enter the application site at any time during the planning approval period;

- (d) vehicles longer than 7.5m should only be allowed to use the ingress / egress at Dao Yang Road at any time during the planning approval period;
- (e) no open storage of materials should be carried out on the application site at any time during the planning approval period;
- (f) no manufacturing activities should be carried out on the application site at any time during the planning approval period;
- (g) no used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.2.2011;
- (i) in relation to (h) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2011;
- (j) 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 13.2.2011;
- (k) in relation to (j) 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 13.5.2011;
- (l) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;

- (m) in relation to (l) 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 13.5.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

Application No. A/NE-LYT/423

- (a) no operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles / container vehicles were allowed to enter the application site at any time during the planning approval period;
- (d) no vehicles longer than 7.5m were allowed to use the ingress / egress at Hai Wing Road at any time during the planning approval period;
- (e) no open storage of materials should be carried out on the application site at any time during the planning approval period;
- (f) no manufacturing activities should be carried out on the application site at any time during the planning approval period;

- (g) no used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste were allowed to be stored on the application site during the planning approval period;
- (h) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.2.2011;
- (i) in relation to (h) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.5.2011;
- (j) 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 13.2.2011;
- (k) in relation to (j) 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 13.5.2011;
- (l) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.2.2011;
- (m) in relation to (l) 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 13.5.2011;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

Application No. A/NE-LYT/422

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the District Lands Officer/North's comments that should planning approval be granted, his office would process the applications for the relaxation of the permitted use and regularisation of the excessive built-over area;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's comments as follows:
 - (i) existing DN80 water main would be affected. Free access should be made available at all times for staff of the Director of Water Supplies or his authorised contractor to carry out construction, inspection, operation, maintenance and repair works to the water main. As there was no unallocated land in the vicinity, diversion of the water main was not possible;
 - (ii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;

- (iii) the proposed development was within the flood pumping gathering ground; and
 - (iv) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments as follows:
- (i) all unauthorised structures on the site should be removed;
 - (ii) the granting of the 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 said Ordinance or other enactment might be taken if contravention was found; and
 - (iii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should pay attention to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;
- (e) to note the Director of Fire Services' comments regarding the fire service installations proposal:
- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;

- (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839-1:2002 + A 2:2008 and FSD Circular Letter 1/2009. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;
 - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
 - (vi) an automatic sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be marked on plans;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should replace the dead trees within the application site as soon as possible;
- (g) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances; and
- (h) to check with the lands authority about the land status of Dao Yang Road

and Hai Wing Road leading to the site. The management and maintenance responsibilities of the same roads should be clarified with the relevant lands and maintenance authorities accordingly.

Application No. A/NE-LYT/423

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the District Lands Officer/North's comments that should planning approval be granted, his office would process the applications for the relaxation of the permitted use and regularisation of the excessive built-over area;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's comments as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
 - (ii) the proposed development was 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;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments as follows:
 - (i) all unauthorised structures on the site should be removed;

- (ii) the granting of the 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 said Ordinance or other enactment might be taken if contravention was found; and
 - (iii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should pay attention to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;
- (e) to note the Director of Fire Services' comments regarding the fire service installations proposal:
- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839-1:2002 + A 2:2008 and FSD Circular Letter 1/2009. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that

every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (vi) an automatic sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be marked on plans;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant should replace the dead trees within the application site as soon as possible;
- (g) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances; and
- (h) to check with the lands authority about the land status of Dao Yang Road and Hai Wing Road leading to the site. The management and maintenance responsibilities of the same roads should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/425 Proposed Public Utility Installation (Electricity Package Substation)
in “Village Type Development” zone,
Government Land in D.D. 83, San Wai, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/425)

Presentation and Question Sessions

94. Ms. Doris S.Y. Ting, STP/STN, said that the replacement pages 5 and 6 for the Paper had been sent to Members before the meeting. She then 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);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period expressing support to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed electricity substation was a mini type substation and required for the provision of adequate and reliable power supply to the existing villages and future developments in the vicinity of the application. The proposed development was considered not incompatible with the village character of the surrounding areas. In view of the nature, small scale and design of the proposed electricity substation, it was unlikely that the proposed use would have adverse impacts on the surrounding areas. In this connection, relevant Government departments consulted had no

objection to and no adverse comment on the application. Soft landscape treatment for providing screening and greening effect was suggested. An approval condition requiring the submission and implementation of landscaping proposals would also be imposed. Moreover, the locals either supported or had no comment on the application.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.8.2014, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the District Lands Officer/North's comments that the applicant was required to apply to the Lands Department under the mechanism of Block Licence and submit excavation permit application for laying underground cable before the commencement of the proposed works;
- (b) to note the Commissioner for Transport's comments that for the sake of road safety, the Electricity Package Substation should be kept clear from any road, footpath or access in its vicinity by at least 1m;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's

comments that:

- (i) all spoils arising from site formation works and building works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the “Water Pollution Control Ordinance”;
 - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil and tar or any other toxic substances were prohibited; and
 - (iv) water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (d) to note the Director of Fire Services’ comments that emergency vehicular access arrangement should comply with Part VI of the “Code of Practice for Means of Access for Fire-fighting and Rescue” which was administrated by the Buildings Department and detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans.

[Dr. James C.W. Lau and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/338 Temporary Open Storage of Recycled Electronic Appliances
and Metal and Ancillary Workshop
for a Period of 3 Years in “Agriculture” zone,
Lots 1353 RP(Part), 1355 (Part), 1356 RP(Part) and
1357 (Part) in D.D. 82 and Adjoining Government Land,
Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/338)

Presentation and Question Sessions

98. Ms. Doris S.Y. Ting, STP/STN, said that the replacement pages 11 and 12 for the Paper had been sent to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the temporary open storage of recycled electronic appliances and metal and ancillary workshop for a period of 3 years;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application as there was no proper vehicular access to the site and the applicant should clarify the vehicular access arrangement including route of access to the site and types of vehicles used for his further consideration. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the grading of the site was “good” and had a high potential for agricultural rehabilitation;

[Dr. W.K. Yau left the meeting temporarily, and Dr. James C.W. Lau and Ms. Anita W.T. Ma

returned to join the meeting at this point.]

- (d) two public comments were received during the statutory publication period. While one public comment from a member of the general public indicated no comment on the application, the other public comment, submitted by the Designing Hong Kong Ltd., objected to the application on the grounds that the applied use was not in line with the land use zoning for the site, and the site, falling within Category 3 under the open storage planning criteria, was not suitable for open storage uses. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representatives and Residents Representatives (RR) of Lei Uk and RR of Tai Po Tin had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The development under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone in Ta Kwu Ling area. DAFC did not support the application as the grading of the subject site was “good” and had a high potential for agricultural rehabilitation. There was no strong justification for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E) in that there was no previous planning approval granted to the application site and no technical assessments/proposals were submitted to demonstrate that the proposed uses would not generate adverse environmental and traffic impacts on the surrounding areas. Both C for T and DEP did not support the application in this regard. Three previous applications (No. A/NE-TKL/244, 257 and 262) for similar open storage use on the application site were rejected by the Committee or the Board on review mainly on grounds of not in line with the planning intention of “AGR” zone and not comply with the TPB Guidelines in that there was no previous planning approvals and the applicant had failed to demonstrate the proposed development would have no adverse impacts on the surrounding area. There had been no material change in planning circumstances since

the rejection of the previous applications.

99. Members had no question on the application.

Deliberation Session

100. Members then went through the reasons for rejection 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 use under application was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the use under application did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the proposed development could have no adverse environmental impacts on the surrounding area.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/339 Proposed Filling of Land (2.5m) for Pedestrian Access
in “Agriculture” zone,
Lot 1918 (Part) in D.D. 76, Leng Tsai Tsuen, Ma Mei Ha, Fanling
(RNTPC Paper No. A/NE-TKL/339)

Presentation and Question Sessions

101. Ms. Doris S.Y. Ting, STP/STN, said that replacement page 12 for the Paper was tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed filling of land (2.5m) for pedestrian access;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the site and its vicinity was active and the site had high potential for agricultural rehabilitation. Moreover, the watercourses and trees within and adjacent to the site might be affected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the application as no Drainage Impact Assessment was included to assess the drainage characteristics, and no drainage proposals and other necessary flood relief mitigation measures were proposed to mitigate the likely increase in flooding risk in the area. The Commissioner for Transport (C for T) had reservation on the application in view of the lack of details of the access such as its alignment and the daily amount of pedestrian flow in the application. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed filling of land would adversely affect the health condition of existing mature trees, change the existing landscape character and would cause landscape and visual impacts to its adjoining villages;
- (d) six public comments were received during the statutory publication period. While one public comment from a member of the general public supported the application without giving any reason, the remaining five public comments, submitted by the Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, the Designing Hong Kong Ltd., a group of residents of Pak Tin New Village and Pak Tin Village with 10

signatures, and a group of residents of Wang Shan Keuk New Village with 138 signatures, objected to the application on the grounds of no justifications provided for the pedestrian access, the health and safety issues, the drainage impacts, and the agricultural and ecological impacts to be brought about by the proposed filling of land. The District Officer (North) advised that the Chairman of the Fanling District Rural Committee, concerned District Councillor, Indigenous Inhabitants Representative (IIR) and Residents Representative of Leng Tsai Tsuen had no comment on the application but one of them expressed that the issue of danger, inconvenience to villagers and damages on footpaths caused by travelling of large number of heavy vehicles should be considered. The IIR of Wang Shan Keuk Tsuen also had no objection to the application but commented that footpaths should be kept clear and not be blocked. Besides, a phone call and an objection letter from two members of the general public had been received raising objection to the application for possible felling of trees on the application site, the environmental nuisance to nearby residents, query on the need for building pedestrian access as well as the increase of flooding risk to the surrounding areas; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The applicant had proposed to fill up the application site with a total area of about 2,077m² by 2.5m for pedestrian access and there was no justification in the submission for the need of the pedestrian access. Besides, there was no information on the materials used for land filling and details of the pedestrian access such as location, alignment and width. C for T doubted whether it was for the purpose of pedestrian access and it was noted that there were already existing footpaths linked to the village houses at the south and east of the application site and one of them had cut across the western portion of the site. The development under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ping Che and Ta Kwu Ling area. DAFC did not support the application as the site was of high potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from such

planning intention. There was an existing stream course adjacent to the application site. The proposed land filling without provision of proper and adequate drainage facilities would alter the drainage characteristics of the surrounding areas and would pose flooding risk to the areas. In this connection, CE/MN of DSD did not support the application and DAFC raised concern on the potential impact on the watercourse during the construction stage. CTP/UD&L of PlanD objected to the application as the proposed land filling would remove extensive vegetation on the application site and adversely affect the existing mature trees along the perimeter of the application site, which would cause adverse landscape and visual impacts to its vicinity. The approval of the application would set an undesirable precedent for similar applications within “AGR” zone. The cumulative effect of approving such application would result in adverse drainage and landscape impacts on the surrounding areas. Besides, there were strong objections from local villagers and green groups against the application mainly on the grounds that the justification for the proposed land filling was weak, the proposed land filling would cause danger to villagers, flooding problem would be worsened and woodland, farmland and natural stream would be lost.

102. Members had no question on the application.

Deliberation Session

103. Members then went through the reasons for rejection 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 proposed development was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such

planning intention;

- (b) the proposed land filling would likely pose flooding risk to the surrounding areas in the event of heavy rainstorm. There was no submission to demonstrate that the proposed land filling would not cause adverse drainage impacts to the surrounding areas;
- (c) the proposed land filling, which might affect the existing trees along the perimeter of the application site, would cause adverse landscape impacts to the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar applications within “Agriculture” zone, the cumulative effect of approving such application would result in adverse drainage and landscape impacts to the surrounding areas.

Agenda Items 31 and 32

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/412 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/412)

A/NE-KLH/413 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/413)

104. Noting that the two applications were similar in nature and the application sites were located in close proximity to each other, Members agreed that the applications could be

considered together.

Presentation and Question Sessions

105. Ms. Lisa L.S. Cheng, STP/STN, said that replacement page 12 for Application No. A/NE-KLH/412, and replacement pages 11 and 12 for Application No. A/KLH/413 were tabled at the meeting for Members' reference. She then presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application site;
- (c) departmental comments – the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had in-principle objection to the applications as the proposed Small House developments were located below steep natural hillside and the undertaking of a Natural Terrain Hazard Study (NTHS) would be required to provide suitable mitigation measures as necessary. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications as approval of the application would set an undesirable precedent for other similar applications in the area leading to further encroachment of village development in the “Green Belt” (“GB”) zone;

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

- (d) four public comments were received during the statutory publication period. Comments from two members of the public objected to the application on the grounds that the sites were on Government land and not in line with its land use zoning, approval of the applications might affect the tranquil village environment. Kadoorie Farm & Botanic Garden Corporation (KFBGC) concerned that the proposed developments would involve tree

felling and the cumulative impacts on the function and value of the “GB” zone. The Designing Hong Kong Ltd., on the other hand, objected to the application for the site was zoned “GB” and there was a lack of sustainable village layout for the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. The applications generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the proposed Small House footprints fell entirely within the village ‘environs’ (‘VE’) 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” zone of the villages concerned. The District Lands Officer/Tai Po had no objection to the applications. The application sites fell within the “GB” zone. However, the applications generally complied with the TPB Guidelines for ‘Application for Development within “GB” Zone’ (TPB PG-No. 10) in that the proposed developments were compatible with the existing village setting and would not involve extensive clearance of existing natural vegetation or affect the existing natural landscape. There were already three existing houses to the east of the application sites and the application sites were currently open area covered with grasses. DAFC had no strong view on the application. Since the Chief Engineer/Project Management of DSD advised that public sewerage connection points would be provided in the vicinity of the application sites, both the Chief Engineer/Development (2) of Water Supplies Department and the Director of Environmental Protection raised no objection to the applications. Given that the sites were located below steep natural hillside, an approval condition requiring the submission of NTHS and implementation of the associated mitigation measures depending on the findings of a Geotechnical Planning Review Report was recommended for each of the application. Regarding the KFBGC’s concerns on the tree felling and adverse impacts on a native woodland in the vicinity, it should be noted that there was no existing tree at the application sites and the proposed developments might not have a

significant impact on the existing rural landscape character of the area. The applicants had also clarified that the proposed developments would not involve tree felling and not affect the growth of trees in the surrounding areas. There were two public comments on the grounds that the application sites were on Government land and concerned about the cumulative adverse traffic impact from the proposed developments. However, it should be noted that ownership of land was not a material consideration of the Board. Moreover, as each application only involved one Small House, additional traffic generated by the proposed developments was not expected to be significant. Concerned Government departments had no objection/no adverse comment on the applications. As a number of similar applications for Small House development (Nos. A/NE-KLH/357, 401 and 408) within the same “GB” zone and in the vicinity had recently been approved by the Committee on the grounds of general compliance with the Interim Criteria, the current applications should therefore warrant the same consideration.

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

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 13.8.2014, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions:

- (a) the 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 occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (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; and
- (e) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

Application No. A/NE-KLH/412

- (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 should obtain prior written consent and agreement from the District Lands Officer/Tai Po before commencing work as the proposed sewerage connection to future public sewerage system might affect Government land;
- (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 to follow the Practice Note for Authorised Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from

adverse impacts arising from construction works' issued by the Buildings Department, in particular the Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance and causing water pollution to the Ecologically Important Stream nearby;

- (f) to note the Chief Engineer/Project Management, Drainage Services Department (DSD)'s comments to continue to pay attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (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/Drainage Projects, DSD's comments to closely liaise with his Division for coordination of works on the 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' under Contract No. DC/2006/09 as the proposed Small House was in close proximity of the drainage project;
- (i) to note the Chief Engineer/Mainland North, DSD's comments that stormwater connection might be available to the site when the drainage channels being constructed under the project 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' were completed;
- (j) the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development as addressed in the Geotechnical Engineering Office Advice Note (Appendix VIII of the Paper), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a NTHS and mitigation measures found necessary might have to be undertaken as part of the proposed development; and

- (k) 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.

Application No. A/NE-KLH/413

- (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 should submit a fresh Small House application to the District Lands Officer/Tai Po for consideration;
- (d) the applicant should obtain prior written consent and agreement from the District Lands Officer/Tai Po before commencing work as the proposed sewerage connection to future public sewerage system might affect Government land;
- (e) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (f) to note the Director of Agriculture, Fisheries and Conservation's comments to follow the Practice Note for Authorised Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' issued by the Buildings Department, in particular the Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance and causing water pollution to the Ecologically Important Stream nearby;
- (g) to note the Chief Engineer/Project Management, Drainage Services Department (DSD)'s comments to continue to pay attention on the latest

development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments in paragraph 4 of Appendix VI of the Paper;
- (i) to note the Chief Engineer/Drainage Projects, DSD's comments to closely liaise with his Division for coordination of works on the 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' under Contract No. DC/2006/09 as the proposed Small House was in close proximity of the drainage project;
- (j) to note the Chief Engineer/Mainland North, DSD's comments that stormwater connection might be available to the site when the drainage channels being constructed under the project 'Drainage Improvement Works in Kau Lung Hang, Yuen Leng, Nam Wa Po and Tai Hang Areas and Construction of Ping Kong Drainage Channels' were completed;
- (k) the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development as addressed in the Geotechnical Engineering Office Advice Note (Appendix VIII of the Paper), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a NTHS and mitigation measures found necessary might have to be undertaken as part of the proposed development; and
- (l) 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.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/NE-LT/401 Proposed Two Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lots 228 (Part), 230 and 231 (Part) in D.D.16 and
adjoining Government Land, Lam Kam Road, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/401A)

109. The Committee noted that the applicant’s representative requested on 6.8.2010 for a deferment of the consideration of the application for two months in order to allow time for the preparation of further information in support of the application.

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

110. 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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/315 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Restaurant)” for a Period of 3 Years
in “Village Type Development” zone,
Government Land adjoining Lot 882 in D.D. 28,
Tai Mei Tuk Village, Tai Po
(RNTPC Paper No. A/NE-TK/315)

111. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Leadtops Raymond Ltd., which was the consultant for the application. The Committee noted that Dr. Lau had already left the meeting temporarily.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “eating place (outside seating accommodation (OSA) of a restaurant)” for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that that the use of the site for temporary eating place (OSA of a restaurant) could be tolerated for a further period of three years based on the assessments made in paragraph 10 of the Paper. The site was located at the fringe of Tai Mei Tuk Village abutting a village access road. The temporary OSA was considered not incompatible with its immediate surrounding uses which mainly comprised village houses with most of the ground floor being converted to restaurant use and open areas outside these houses being used for OSA for the restaurants. The planning conditions under previous approval had been complied with to the satisfaction of relevant Government departments. The temporary OSA was unlikely to cause adverse impacts on the area and environmental nuisance to the residents

nearby. No adverse Government departments' comments, no public comment and no environmental complaint pertaining to the site was received. There had been no material change in the planning circumstances since the previous temporary approval was granted. As the use was temporary in nature, the continuation of the current temporary use for a further period of 3 years would unlikely frustrate the planning intention of the site for village type development.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the setback of the development by 1.6m from the existing village road to its south should be maintained at all times during the planning approval period;
- (b) the drainage connection works completed on site should be maintained at all times during the planning approval period;
- (c) if any of the above planning condition (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) 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.

[Professor Paul K.S. Lam and Dr. James C.W. Lau returned to join the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/448 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 495 S.B in D.D. 21, Pun Shan Chau, Tai Po
(RNTPC Paper No. A/TP/448)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) objected to the application as the site did not fall within any village ‘environs’ (‘VE’). The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the proposed development would require removal of vegetation in the “Green Belt” (“GB”) zone. The Commissioner for Transport (C for T) had reservation on the precedent effect of approving the application as the resulting cumulative adverse traffic impact could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application due to the potential impact it might cause to the existing landscape resources and the undesirable precedent an approved application might have on other similar Small House applications in the area;
- (d) three public comments were received during the statutory publication period. Two commenters, Kadoorie Farm & Botanic Garden Corporation

and World Wide Fund for Nature Hong Kong, raised objection to the application on the grounds that the proposed development was not in line with the planning intention of “GB” zone, would degrade the ecological value and function of the “GB” zone and set an undesirable precedent for similar applications. The other public comment, from the Designing Hong Kong Ltd., objected to the application for reasons that the area was zoned “GB” and the lack of a plan for sustainable layout for the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the Small House site and Small House footprint fell entirely outside the ‘VE’ and the “Village Type Development” (“V”) zone. In this regard, DLO/TP raised objection to the application. The proposed NTEH (Small House) was also not in line with the planning intention of the “GB” zoning for the area and there was a general presumption against development within this zone, and there was no justification in the submission for a departure from the planning intention. The site was located on a densely vegetated natural slope adjoining a woodland to its south. As the proposed development would involve extensive clearance of existing vegetation affecting the existing natural landscape, it did not comply with the TPB Guidelines for ‘Application for Development within “GB” Zone’ (TPB PG-No. 10). DAFC had reservation on the application from nature conservation point of view. CTP/UD&L of PlanD did not support the application due to the potential impact it might cause to the existing landscape resources. The approval of the application would set an undesirable precedent for similar developments within the “GB” zone, which would result in general degradation of the natural environment. Public comments were also received raising concerns on the adverse landscape impact of the proposed development. The Head of Geotechnical Engineering Office of Civil Engineering and Development Department commented that the site was located below steep natural hillside and met the alert criteria requiring a Natural Terrain Hazard Study.

The applicant was required to submit a Geotechnical Planning Review Report in support of the planning application and to assess the geotechnical feasibility of the proposed development. C for T also had reservation on the application, as the proposed development if permitted would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial.

116. Members had no question on the application.

Deliberation Session

117. Members then went through the reasons for rejection 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 proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories’ in that the application site and the proposed house fell entirely outside both the village ‘environs’ and the “Village Type Development” zone of a recognised village;
- (b) the proposed NTEH/Small House was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features so as to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no justification in the submission for a departure from the planning intention;
- (c) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve extensive clearance of vegetation affecting the existing natural landscape; and

- (d) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment.

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

Agenda Item 36

Any Other Business

118. There being no other business, the meeting was closed at 4:30 p.m..