

TOWN PLANNING BOARD

Minutes of 447th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 19.8.2011

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

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Dr. W.K. Yau

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

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

Principle Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories
Lands Department
Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Prof. Paul Lam

Dr. James Lau

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

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

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 446th RNTPC Meeting held on 5.8.2011

[Open Meeting]

1. The draft minutes of the 446th RNTPC meeting held on 5.8.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.
3. The Chairman said that as the representatives of the Planning Department and the Applicants of Agenda Item 3 had not yet arrived, the Committee agreed that cases in Sai Kung and Islands District would be first considered.

[Mr. T. K. Choi left the meeting temporarily at this point.]

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam and Mr. C.F. Yum, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper, which were summarised below:
- (i) the location of the proposed water pump system was considered suitable as it was in line with the water main connection point as proposed by the Water Authority. The Chief Engineer/Development (2) of Water Services Department (CE/Dev(2), WSD) had no adverse comment on the location of the proposed water pump system;
 - (ii) though the proposed off-site water pump system and connecting pipes were not in line with the planning intention of “GB” zone, they were needed and essential ancillary facilities for supplying water to the permitted residential development. Moreover, it was small in scale and situated in an inconspicuous location nestled amongst existing vegetation. It was considered that the proposed development would have insignificant visual impact on the surroundings. No felling of trees would be involved in the proposed development and the connecting pipes would be mainly surface-mounted with minimum excavation to avoid adverse impacts on trees and their roots. The Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application. Concerned government departments consulted had no adverse comment on the application;
 - (iii) the proposed development was considered to be generally in line with the relevant criteria of the Town Planning Board Guidelines for Application for Development within ‘Green Belt’ Zone (TPB PG-No. 10) in that the proposed installation was considered compatible with the surrounding area, it would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area, and that the proposed utility installation itself was not a source

of pollution and would not adversely affect drainage, existing roads or slope stability;

- (iv) CTP/UD&L had no adverse comment on the proposed development from urban design point of view. However, she had technical concerns on the landscape resources on the site for the proposed water pump system, temporary construction access and the Type 2 connecting pipes which might affect the root of the nearby trees due to construction. To address the concerns of CTP/UD&L on the possible landscape impact, relevant approval condition was recommended; and
- (v) Regarding the concerns raised by the commenter, the applicant had proposed various preventive measures to preserve existing trees. Neither tree felling nor extensive clearance of vegetation was anticipated on the site.

5. Members had no question on the application.

Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, 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) provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

7. The Committee also agreed to advise the applicant of the following :
- (a) to note the comment of Director of Fire Services that Emergency Vehicular Access Arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department;
 - (b) to note the comments of Director of Agriculture, Fisheries and Conservation that the connecting pipes should be aligned as far away as possible from the tree trunks to avoid affecting their growth in the long run and preventive measures to avoid causing disturbance to the existing trees should also be adopted throughout the course of the works;
 - (c) to note the comments of Chief Building Surveyor/NTE1 & L, Buildings Department that:
 - (i) building proposal should be submitted to Buildings Department for approval and building works should comply with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works; and
 - (ii) for fire separation purpose, the pump system should be set back 900mm from all sides of the site boundaries.
 - (d) to note the comments of the District Lands Officer/Islands of Lands Department that:
 - (i) her office would consider the Short Term Tenancy application in accordance with the existing land grant policy, in which, amongst other things, relevant policy support should be obtained from the relevant government bureau for direct land grant to the applicant; and

- (ii) the road leading to the Lot No. 661 in D.D.329L as shown on the location plan attached to the application did not exactly match with the existing road as shown on the Land Status Plan. Some parts of the proposed pipes might be erected on the road rather than erected along it.

Agenda Item 5

Section 16 Application

[Mr. T. K. Choi re-joined the meeting and Mr. Andrew Y. T. Tsang left the meeting at this point]

[Open Meeting]

A/DPA/SK-PL/1 Proposed House (New Territories Exempted House – Small House)
in an area designated as “Unspecified Use”,
Lot 237 in D.D. 368, Pak Lap Village, Leung Shuen Wan, Sai Kung
(RNTPC Paper No. A/DPA/SK-PL/1)

8. The Secretary reported that the Planning Department (PlanD) requested for a deferment of the consideration of the application as the designation of the “Unspecified Use” covering the application site was the subject of outstanding adverse representations relating to the Draft Pak Lap Development Permission Area (DPA) Plan No. DPA/SK-PL/1, which were yet to be considered by the Chief Executive in Council (CE in C). According to the Town Planning Board Guidelines on Deferment of Decisions on representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the CE in C for consideration and the substance of the representations was relevant to the subject application.

9. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the submission of the DPA Plan to the CE in C for final decision on the representations in respect of the DPA Plan. The Committee agreed that the

application should be submitted for its consideration after the CE in C's decision on the DPA Plan and the relevant adverse representations had been made.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/201 Proposed House (New Territories Exempted House – Small House)
 in “Agriculture” zone,
 Lot 677 S.A in D.D. 244, Ho Chung, Sai Kung
 (RNTPC Paper No. A/SK-HC/201)

Presentation and Question Sessions

10. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint 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 – departmental comments were detailed in paragraph 9 and Appendix II of the Paper and highlighted below:
 - (i) the DAFC advised that the application site possessed high potential of agricultural rehabilitation in terms of plant nursery or green house cultivation. In this regard, he did not support the application from agricultural point of view; and

 - (ii) the Commissioner for Transport (C for T) had reservation on the application as such type of development, if permitted outside the “V” zone would set an undesirable precedent for similar

applications in future. The resulting cumulative adverse traffic impact could be substantial. However, as the application only involved one Small House, the application could be tolerated unless it was rejected on other grounds.

- (d) three public comments were received during the first three weeks of the statutory publication period. The Chairman of Ho Chung Area Committee, Designing Hong Kong Limited and a member of general public objected to the application because the zoning was for agricultural purpose, the area lacked sustainable layout and there was ecological impact; and
- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper, which were summarised below:
 - (i) the proposed Small House met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that the application site fell within the village 'environs' of Ho Chung Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Ho Chung Village. In this regard, DLO/TP had no objection to the applications;
 - (ii) the proposed NTEH had no adverse drainage and environmental impacts on the surrounding areas. Concerned government departments had been consulted and no objection had been raised. Although the DAFC advised that the Sites possessed high potential for agricultural rehabilitation, there were no farming activities at the Sites and their surroundings. Also, the proposed NTEH was compatible with the surroundings; and
 - (iii) regarding the public comments concerning the "AGR" zone and sustainable layout and conservation aspect, the application deserved sympathetic consideration according to the Interim Criteria. The

proposed NTEH would have no major adverse impacts on the surrounding areas as confirmed by the relevant government departments.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh 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 the WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application

referred by Lands Department;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Commissioner for Transport that there was a vehicular access leading to the Site which was not under Transport Department's management. The status of the vehicular access leading to the Site should be checked with the lands authority. The management and maintenance responsibilities of the same vehicular access should be clarified with the relevant lands and maintenance authorities accordingly; and
- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that the application site fell within the boundary of the Ho Chung Site of Archaeological Interest, the applicant was required to provide the AMO, LCSD with sufficient time and let the staff of the AMO enter the subject site to conduct an archaeological survey prior to the commencement of construction works.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/202 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 552 S.D and 556 S.B in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/202)

Presentation and Question Sessions

14. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint 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 – departmental comments were detailed in paragraph 9 and Appendix II of the Paper and highlighted below:
 - (i) the DAFC advised that the application site possessed high potential for agricultural rehabilitation in terms of plant nursery or green house cultivation. In this regard, he did not support the application from agricultural point of view; and
 - (ii) the C for T had reservation on the application as such type of development, if permitted outside the “V” zone would set an undesirable precedent for similar applications in future. The resultant cumulative adverse traffic impact could be substantial. However, as the application only involved one Small House, the application could be tolerated unless it was rejected on other grounds.
- (d) four public comments were received during the first three weeks of the statutory publication period. The Chairman of Ho Chung Area Committee, Designing Hong Kong Limited and some members of general public objected to the application because the zoning was for agricultural purpose, the area lacked sustainable layout, Ho Chung Valley should be protected, and there was ecological impact; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper, which were summarised below:

- (i) the proposed Small House met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that the application site fell within the village 'environs' of Ho Chung Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Ho Chung Village. In this regard, DLO/TP had no objection to the applications;
- (ii) the proposed NTEH had no adverse drainage and environmental impacts on the surrounding areas. Concerned government departments had been consulted and no objection had been raised. Although the DAFC advised that the site possessed high potential for agricultural rehabilitation, there were no farming activities at the site and its surroundings. Also, the proposed NTEH was compatible with the surroundings; and
- (iii) regarding the public comments concerning the "AGR" zone and sustainable layout and conservation aspect, the application deserved sympathetic consideration according to the Interim Criteria. The proposed NTEH would have no major adverse impacts on the surrounding areas as confirmed by the relevant government departments.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh 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 the WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-SKT/2 Temporary School (Kindergarten) for a Period of 5 Years
in “Village Type Development” zone,
1/F, 66 Yi Chun Street, Sai Kung
(RNTPC Paper No. A/SK-SKT/2)

Presentation and Question Sessions

18. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary school (Kindergarten) for a period of five years;
- (c) departmental comments – the Project Manager (School Building)³ of Secretary for Education (PM(SB)³, S for E) advised that the application was not acceptable as it did not comply with paragraph 43 of Cap 279 Education Regulations. The Chief Building Surveyor/New Territories East 2 & Rail of Buildings Department (CBS/NTE2 & R, BD) advised that the premises were unsuitable for the proposed kindergarten as the two staircases for means of escape fell short of the minimum width requirement (i.e.1050mm) and the rear staircase of the subject building did not lead directly to a street. Also, there were unauthorized building structures attached to the external walls and on the roof of the existing building. The C for T had reservation on the application as the proposed pick-up and drop-off point at the existing layby was not for the exclusive use of the applicant. It might cause obstruction to the traffic along the adjoining public road when the layby had been occupied by others at the time when picking-up/dropping-off activity for the kindergarten was in progress.

- (d) two public comments were received during the first three weeks of the statutory publication period from the Chairman of Sai Kung Area Committee and Sai Kung District Councillor respectively. One objected to the application as the proposed kindergarten would further aggravate the existing traffic congestion of Yi Chun Street and the second had reservation as the proposed premises were located above a bar; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper, which were summarised below:
 - (i) the proposed kindergarten was not in line with the planning intention of the “V” zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

 - (ii) the proposed kindergarten was not compatible with the various commercial uses (including a bar, shops and clinics) on the G/F of the same building. In the submission, there was no information to demonstrate that the Premises were suitable for school use. The PM(SB)3, S for E considered the application not acceptable as it did not comply with the requirement in Cap 279 of the Education Regulations as no school premises or any part thereof should be situated over any shop, store or factory unless the S of E was satisfied that there was no danger or hazard detrimental to the health or well-being of the pupils. The CBS/NTE2&R, BD, considered the premises not suitable for the proposed kindergarten as the two staircases for means of escape fell short of the minimum width requirement (i.e.1050mm) and the rear staircase of the subject building did not lead directly to a street. C for T had reservation on the application as the proposed pick-up and drop-off point at the existing layby was not for the exclusive use of the applicant and it might cause obstruction to the traffic along the adjoining public road when the layby was occupied; and

- (iii) regarding the public comments received, their concerns of further deterioration of existing traffic congestion situation and unsuitability of school use over the existing shops were noted. Similar concerns/comments had been raised by concerned government departments.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed kindergarten for a period of 5 years was not in line with the planning intention of the “Village Type Development” (“V”) zone, which was primarily intended for development of Small Houses by indigenous villagers. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) there were technical concerns relating to the incompatibility of the proposed kindergarten with other uses of the same building, the layout of the Premises and provision of means of escape. No information had been provided in the submission to demonstrate that the Premises were suitable for school use; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “V” zone.

[The Chairman thanked Mrs. Margaret W.F. Lam and Mr. C.F. Yum, STP/SKIs, for their attendance to answer Members’ enquires. Mrs. Lam and Mr. Yum left the meeting temporarily at this point.]

Sha Tin, Tai Po and North District

[Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Ms. Lisa L.S. Cheng, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting, and Prof. Edwin H.W. Chan arrived to join the meeting at this point.]

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/ST/14 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from “Green Belt” to “Government, Institution or Community (1)”, Lots 374, 375 S.A (Part) and 375 S.B (Part) in D.D. 186, To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/14)

21. The Secretary reported that on 10.8.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow addition time for the applicant to prepare assessments and responses to address comments and concerns from government departments and the public.

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

[Mr. Walter K. L. Chan arrived to join the meeting at this point]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/87 Comprehensive Residential Development with Commercial and Government, Institution or Community Facilities
(Proposed Amendments to the Approved Master Layout Plan under Application No. A/MOS/82 to Exclude an Access Road from Site Area Calculation) in “Comprehensive Development Area (1)” zone, Sha Tin Town Lot No. 502 and Adjoining Government Land
(RNTPC Paper No. A/MOS/87)

Presentation and Question Sessions

23. The Secretary reported that Ms. Anita Lam had declared an interest in this item as she was the Assistant Director (New Territories) of Lands Department. Ms. Lam was invited to leave the meeting temporarily for the item.

24. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed amendments to the approved scheme under Application No. A/MOS/82 to exclude an access road from site area calculation at the comprehensive residential development with commercial and government, institution or community facilities;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper, which were summarised below:
- (i) the access road to be excluded from site area calculation had been incorporated into the original MLP since its first approval (Application No. A/MOS/61). At that time, the access road was meant to be an internal road for the whole “CDA(1)” site. The GFA was apportioned to the alienation site on a pro-rata basis of the land area. As the boundary of the separate alienation site was drawn up in land exchange and infrastructure works stages, it was subsequently included in the Government's construction contract for the infrastructure works for Lok Wo Sha. Given that the access road was a gazetted public road formed by the government and that it did not exclusively serve the alienation site, it would be more appropriate to exclude it from site area calculation; and
 - (ii) the application site was the subject of thirteen planning permissions including minor amendments to the approved scheme after the site was zoned “CDA(1)”. The current application was an amended scheme to Application No. A/MOS/82 approved by the Committee on 10.9.2010. This application was to seek the Committee's permission for minor relaxation of the domestic plot ratio restriction for the separate alienation site from 3 to 3.63 as a result of the exclusion of the access road from site area calculation. Although the plot ratio of the separate alienation site had been increased, the other development parameters e.g. GFA and building height remained unchanged and therefore the scale and intensity of the proposed development would be the same. The development intensity for the whole “CDA(1)” site, as demonstrated in Application No. A/MOS/82, could be sustained by the local infrastructure. The increase in plot ratio would not in effect intensify the development thereby causing additional impacts on the

environmental, traffic, or infrastructure provision aspects. Concerned government departments had been consulted and they had no objection to / adverse comments on the proposed amendment. No public comment had been received on the application.

25. Members had no question on the application.

Deliberation Session

26. A Member said that the subject proposal was discussed at the Sha Tin District Council, which was a concern of the residents in the area. That Member said that while the general consensus was to maintain a low development density at the subject site, but since the proposed amendment had no impact on the design and layout of the development hence is considered acceptable.

27. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, 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 (MLP) taking into account conditions (b), (c), (d), (f), (g), (h), (i), (j) and (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised MLP showing separate alienation of government land in the north-eastern part of the site to the satisfaction of the Director of Lands or of the TPB;
- (c) the submission and implementation of a revised landscape master plan, including tree felling and preservation proposals as well as a management plan for the woodland areas, to the satisfaction of the Director of Planning or of the TPB;

- (d) the implementation of the noise mitigation measures identified in the revised noise impact assessment (November 2010) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of an Environmental Monitoring and Audit (EM&A) Manual and the implementation of the EM&A Programme identified therein, including but not limited to audit of the construction phase mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the provision of vehicular access, pedestrian circulation system, parking spaces, entrance and exit points to car parks, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission of a revised traffic impact assessment and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the provision of footbridge connection and public pedestrian walkway(s) from the Ma On Shan Rail Wu Kai Sha Station to the Whitehead headland to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (j) the provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB;
- (k) the implementation of the recommendations identified in the revised cultural heritage impact assessment (January 2007), including an archaeological survey and a historical survey to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;

- (l) the implementation of the drainage facilities identified in the revised drainage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the implementation of the sewerage facilities identified in the revised sewerage impact assessment (December 2009) to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB; and
- (o) the submission of a revised implementation programme, with phasing proposals to tie in with the completion of the major infrastructural facilities serving the proposed development and the proposed traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with a 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 the revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the proposed new roads leading to the proposed development required under the Buildings Ordinance (BO) should be completed prior to application for occupation permit;
- (c) liaison should be made with CLP Power Hong Kong Ltd. to ensure that additional electricity demand for the proposed development could be supplied from the existing electricity network;

- (d) each phase of the proposed development should be self-sustainable in every aspect under the BO including plot ratio, site coverage, means of escape, means of access for firefighting and rescue, fire resisting construction, collection of refuse and segregation of vehicular and pedestrian traffic as well as provision of clubhouse facilities. Each phase of the development should have its self-contained clubhouse of which the gross floor area (GFA) of such facilities would not exceed the area as stipulated under Table 1 of PNAP APP-104 and was subject to compliance with the pre-requisites and overall cap on GFA concession stipulated in PNAP APP-151;

- (e) the approval of the application did not imply that the proposed building design elements to fulfill the Sustainable Building Design Guidelines, the proposed bonus plot ratio and GFA concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (f) two existing water mains at the north-eastern part of the site would be replaced/rehabilitated. Liaison with the Consultants Management Division of the Water Supplies Department (WSD) was required should diversion of these water mains be required. WSD was planning to lay fresh water main and salt water main along the planned Road A and planned Road B. The main laying works would likely be carried out in conjunction with the developer's roadwork. The developer should take this into consideration in the planning and construction of the proposed roadworks and approach WSD during their detailed design stage to sort out the interfacing issue between the two projects. The cost of any necessary diversion of existing water mains affected by the development should be borne by the development project. Right of Way should also be provided to WSD for their staff and contractor to carry out inspection and

maintenance of waterworks installations at the north-eastern corner of the development site;

- (g) observation of the Code of Practice for Means of Access for Firefighting and Rescue during General Building Plan submission stage;
- (h) if a boundary wall near the government retaining walls along Road A and Road B was to be constructed, the design and construction details should be agreed by Highways Department to avoid the creation of a narrow and long trough between the boundary/retaining walls;
- (i) filling up the gap between the government retaining wall and the boundary fence wall would not be carried out until the retaining wall had been handed over from Civil Engineering and Development Department to Highways Department; and
- (j) effort should be made to preserve the existing large trees in-situ, in particular Tree Nos. T1042, T1046 and T1125. Vertical landscaping or greening design should be incorporated so as to visually soften the outlook of the high-rise buildings.

Agenda Item 11

Section 16 Application

[Miss Anita Lam returned to join the meeting at this point]

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/758 Shop and Services (Real Estate Agency)
in “Industrial” zone,
Unit C4 (Portion), G/F, Block 1, Kin Ho Industrial Building,
Nos. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/758)

Presentation and Question Sessions

29. Mr. Anthony K.O. Luk, 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 (real estate agency);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper, which were summarised below:
 - (i) the real estate agency under application was located on the ground floor of an existing industrial building with main entrance fronting Au Pui Wan Street. The applied use was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity;
 - (ii) the subject industrial building was subject to a maximum permissible limit of 460 m² for aggregate commercial floor area on the ground floor. Currently the approved aggregate commercial floor area of 'Shop and Services' use on the ground floor of the

subject building was 33 m². If the application premises (20.6 m²) was included, the aggregate commercial floor area would be 53.6 m², which was within the maximum permissible limit of 460m²;

- (iii) the applied use generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. Relevant government departments had no objection or no adverse comments on the application; and
- (iv) since the last application approved by RNTPC (Application No. A/ST/722) was revoked due to non-compliance with the approval condition, a shorter compliance period was recommended to monitor the progress of compliance.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.11.2011;
- (b) the implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 19.2.2012; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. The applicant was advised to engage an authorised person to co-ordinate the building works, if any, including the sub-division of the unit/premises;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion was available for the area under application. The applicant was advised to consult the BD regarding:

- (i) fire resisting construction of the proposed shop and services from the industrial portion of the building; and
 - (ii) the blockage of one of the existing exits from Unit C4; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/15 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 by Amending the Notes for the “Comprehensive Development Area (1)” zone of the Application Site by Incorporating (a) maximum domestic gross floor area of 121,908 m²; (b) maximum retail gross floor area of 31,000 m²; (c) maximum 242 car parking spaces; (d) maximum size per unit 45 m² (exempted gross floor area not included); (e) maximum podium height 28 mPD; (f) maximum building height 150 mPD; and (g) maximum 39 storeys, Ma On Shan Line Tai Wai Station Site and Adjoining Land, Tai Wai, Sha Tin (RNTPC Paper No. Y/ST/15)

Presentation and Question Sessions

33. The Secretary reported that Mr. T. K. Choi had declared interest in this item as he was an assistant to the Commissioner for Transport, who was a Non-executive Director to MTRCL. Dr. W. K. Lo, who had a flat in close proximity of the application site, also declared an interest in this item. The Committee agreed that Mr. Choi and Dr. Lo should leave the meeting temporarily.

34. Mr. W. K. Hui, District Planning Officer/Shu Tin, Tai Po and North of the Planning Department (DPO/STN, PlanD), and the following applicant's representatives, were invited to the meeting at this point.

Mr. Tam Hoi Pong]	the applicant's representative
Mr. Li Sai Hung]	the applicant's representative

35. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Anthony Luk, STP/STN, to brief Members on the background of the application. Mr. Anthony Luk did so as detailed in the paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to amend the Notes of the "Comprehensive Development Area (1)" ("CDA(1)") zone on the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/25 to incorporate development restrictions including maximum domestic GFA of 121,908 m², maximum retail GFA of 31,000 m², maximum 242 car parking spaces, maximum size per unit of 45 m² (exempted GFA not included), maximum podium height of 28 mPD, and maximum building height restriction of 150 mPD and maximum 39 storeys. Other than the application form including some attachments (location plan, signatures of Tai Wai residents, comparison of the schemes between the applicant and MTRCL's, the applicant's views on MTRCL's scheme as well as the broad development parameters of Application No. A/ST/717), the applicant had not submitted any plans to demonstrate the proposed development scheme. No related technical assessments were included in the application to substantiate the proposed amendments;
- (b) the applicant claimed that a total of 5,966 signatures (including 878 obtained from the internet) had been received against the walled development arising from the approved scheme submitted by the Mass Transit Railway Corporation Limited (MTRCL);
- (c) the Planning Brief which set out the major planning parameters was endorsed by the Committee on 11.1.2002 to guide the development of the

application site and to facilitate the preparation of the Master Layout Plan (MLP). The first scheme for comprehensive residential and commercial development and a primary school at the Site (No. A/ST/555) was approved with conditions by the Committee on 15.3.2002. Minor amendments to the approved Master Layout Plan (MLP) (Applications No.A/ST/576, A/ST/625 and A/ST/691) were approved with conditions by the Committee on 27.6.2003, 29.7.2005 and 18.12.2009 respectively.

- (d) concerned government departments had no objection to or adverse comments on the application, which were detailed in paragraph 9 of the Paper. The key departmental comments were summarized as follows :
- (i) the Commissioner for Transport (C for T) did not support the application. He advised that the car parking provision proposed by the applicant was far less than the required 464 nos. according to the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant would need to support the reduction with a Traffic Impact Assessment (TIA) report;
 - (ii) the Secretary for Education (S for E) did not support the application as there was no provision of a post secondary college (PSC);
 - (iii) the Project Manager/New Territories East of Civil Engineering Development Department (PM/NTE, CEDD) advised that the applicant did not address the issues regarding the provision of public bicycle parking spaces and noise impact on the domestic floors above the podium;
 - (iv) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) advised that the applicant had proposed a different set of development restrictions for the application site, whereby there was already an approved scheme. It was noted that the proposed development parameters generally involve major reduction in development intensity, including both

domestic and non-domestic GFAs, together with a decrease in building height, less podium structure. From the urban design and visual perspectives, although it might be generally desirable that development intensity could be reduced and the building design be enhanced, the formulation of an optimal level / scale of development for the subject site required prudent consideration upon striking a balance amongst various relevant factors. Nevertheless, it was noted that the applicant had not provided any visual illustrations to demonstrate how a development with the proposed revised parameters would result in an improved scheme or how it would be more visually compatible with the surrounding environment;

- (e) a total of 46 comments were received during the first three weeks of the statutory public inspection period, which were summarised below:

Comments supporting the current application

- (i) 10 comments, including one comment submitted by the applicant attaching 6,009 signatures, supported the application on the grounds that there were already too many high rise developments in Sha Tin area and the proposed amendments would reduce the wall effect arising from the development above Tai Wai Station. This would benefit air ventilation, sunlight penetration and the views of nearby residents;

Comments against the current applications

- (ii) 6 comments, including Sha Tin Rural Committee, the Owners Committee of Pristine Villa with 226 signatures, were against the current application on grounds that the development scale of the application was excessive;

Comments against the approved scheme (Application No. A/ST/691)

- (iii) 4 letters received were against / commenting on the approved scheme under Application No. A/ST/691 with grounds of objections nearly the same as the submission of the application;

Comments against any large-scale development at Tai Wai Station

- (iv) 25 comments from members of the public were against any large-scale development above the Tai Wai Station on the grounds that large scale development in the area would result in wall effect which would have adverse environmental and visual impacts; the proposed retail development at the application site would affect the retail business in nearby housing developments; the commenters also proposed to reduce the development intensity at the application site to ensure better air ventilation and provide more open space; to open up the private open space for public use and to provide community facilities at the application site; and one public comment rejected any development at the site except for provision of open space, park and library;

Comments supporting the approved scheme (Application No. A/ST/691)

- (v) one comment submitted by MTRCL was on the grounds that the maximum GFA for the application site specified in the current OZP was in line with the government's strategic planning intention to build development nodes around railway stations to help reduce vehicular trip generation, rationalise traffic flows and minimise the level of traffic-induced pollution. The proposed development intensity was also generally in line with that in Sha Tin New Town. The development at the Application Site would help optimise station land utilisation contributing to meeting the significant housing demand. The approved MLP had incorporated relevant environmental considerations in the design process with regard to

the local situation.

- (f) PlanD did not support the application based on the assessment made in paragraph 11 of the Paper, which was summarized as follows:
 - (i) the application site was rezoned to “CDA(1)” in 2000. After hearing of the objections to the proposed amendment to the OZP in January 2001, the Board decided not to propose amendment to the OZP to meet the objections. The OZP was subsequently approved by the Chief Executive in Council in September 2001. Subsequently, a Planning Brief for the application site was endorsed by the Committee in January 2002, with the first scheme for the station development approved by the Committee in March the same year. Since then, the Committee had approved three applications for amendment to the development scheme. The development had entered into the implementation stage and the building plans were approved in 2011. The zoning and the associated development parameters stipulated in the OZP had already gone through the due process of plan making, public consultation, planning approval and building plans approval at implementation stage and there would be no statutory planning mechanism to ensure that the amendments proposed by the applicant could be implemented;
 - (ii) the current application, with lower domestic and non-domestic plot ratios, lower building and podium heights, and lesser number of building blocks, might be better in terms of visual and air ventilation impacts. However, it was considered necessary to balance a number of factors in determining an appropriate development intensity for the site which was situated on a railway station and was adequately supported by infrastructures. Those factors included capitalizing the good accessibility of the site, proper increase in flat supply, and optimal use of infrastructural capacities. The approved scheme, which had already incorporated a number of design measures such as reduction in building height, widened building

gaps, podium set-back to reduce building bulk to respond to the issues of visual and air ventilation, etc., was considered to have made a balance between the factors;

- (iii) the current application was not substantiated by technical support of a MLP or Landscape Master Plan. There was no illustration on the disposition of building blocks, building height, podium profiles, treatment of the provision of open space, landscape design and view corridor. CTP/UD&L, PlanD commented that although the applicant had proposed a set of development parameters which were generally lower than the approved scheme, no visual illustration was provided to demonstrate that the proposed revised development would be more visually compatible with the surrounding environment in comparison with the approved scheme. For the applicant's proposal to restrict the maximum number of car parking spaces to 242, the C for T did not support the application and commented that the car parking provision was far less than the required 464 spaces according to the HKPSG. The S of E did not support the application for reason that a PSC was not included; and

- (iv) regarding the public comments supporting the current application or objecting to the proposed development parameters in the approved scheme which were still considered excessive, it was noted that the approved scheme was approved with conditions by the Committee on 18.12.2009 after taking into consideration the planning parameters in the Planning Brief endorsed by the Committee on 11.1.2002, the recommendations in impact assessments for the proposed development and relevant government departments' comments. The concern of potential visual impact was addressed by including an advisory clause in the then approval to draw MTRCL's attention to this aspect in detailed design of the scheme. On the concern of podium bulk, the approved scheme had included setbacks in the eastern site boundary, south-eastern and south-western corners to minimize visual impact at street level.

Regarding the public concern on view corridor and air ventilation, separation of 3 m to 50 m between some residential blocks were proposed in the latest approved scheme to improve air ventilation and minimize adverse visual impact.

36. The Chairman then invited the applicant's representatives to elaborate on the application. Mr. Tam Hoi Pong, with the aid of a powerpoint presentation, made the following main points:

- (a) the current application was not the first attempt to object to MTRCL's scheme at the site. Efforts had been made four years ago to express his objection by way of press conferences and letters to relevant department and bureaux. As shown in a photo taken 4 years ago before the major developments at the Tai Wai Maintenance Depot were built, Tai Wai was well-planned and the ridgeline could still be seen. The approved scheme at the application site which comprised 8 domestic blocks of 39 to 49 storeys excluding a refuge floor and the podium, resulting in a total maximum number of 51 storeys and a maximum building height of 199.8 mPD would be the tallest development in the area. The new development at the depot and station site had destroyed the environment of Tai Wai;
- (b) there were two major developments, i.e. Festival City (名城) and Festival City II (盛薈) above the Tai Wai Maintenance Depot which comprised a total of 12 blocks. The two developments had already caused wall effect. Together with the approved scheme at Tai Wai Station, a 2 km long high-rise building wall would be formed, as illustrated by a photo and a series of video clips taken from the Amah Rock, blocking the view and air ventilation of the buildings behind;
- (c) the prices of the flats of Festival City and Festival City II were too expensive to be afforded by the general public. The flat sizes of the approved scheme which were between 700 sq ft (about 65 m²) and 1,000 sq ft (about 92.9 m²) were not affordable to first-time home buyers and would likely attract Mainland investors. Such kind of development could not

resolve the housing needs of local people;

- (d) on 4.9.2007, an application (No. Y/ST/5) was submitted by Mr. Li Sai-hung to rezone the application site to “G/IC”. Though the rezoning application was not agreed by the Committee, the Committee had decided that the concern of the local residents on wall effect should be conveyed to MTRCL for consideration. However, the residents’ concerns were ignored by MTRCL;
- (e) with a maximum building height of 199.8mPD, which would be even taller than the nearby development at the Tai Wai Maintenance Depot. It was noted that MTRCL had claimed Gross Floor Area (GFA) exemption for the approved scheme according to relevant stipulations under the Buildings Ordinance, and the total GFA of the completed development would be significantly inflated. Comparing to his observation of a development in Tuen Mun, a building gap of 7 to 8 metres as seen on the plan had been reduced to 3 to 4 meters as a result of the inflated GFA. The same would likely happen in the development at Tai Wai Station site.
- (f) the podium proposed by MTRCL was of 38.5m in height, with car parking facilities occupy a substantial number of storeys. He questioned whether there was a need for the large number of car parking spaces given the location of the development immediately above a railway station. The over-provision of car parking spaces would defeat the purpose of encouraging the use of mass transit railway;
- (g) the shopping centre included in the approved scheme was very large, which had increased the overall bulk of the podium and in turn affected air ventilation. The use of air-conditioning for such a large shopping centre would result in a waste of energy and the exhaust from the air conditioning system would heat up the surrounding environment. On the other hand, the shopping centre would likely be dominated by chained stores and up-market shops which would push up the rent of shops in the surroundings;

- (h) the sites currently occupied by the Tai Wai Maintenance Depot and the Tai Wai Station were previously used as a bicycle park and a water recreation park. The sites were then taken up by private developments comprising 20 blocks of high-rise buildings and the landscape garden of 8,500m² to be provided under the approved scheme at the Tai Wai Station was only for private use. The applicant suggested that the private open space should be opened for public enjoyment;
- (i) the subject application was to reduce the development intensity, the number of blocks, building heights, the height and bulk of the podium as well but with the total number of units maintained. The smaller flat size could allow the provision of more affordable housing for the public;
- (j) he noted that when the first scheme submitted by MTRCL was approved in 2002, the intention was to provide housing units to help meet the annual flat production target of 85,000, and the Committee was not aware of the extent of inflated GFA. He hoped that the Town Planning Board would exercise its independent role to require MTRCL to improve the scheme at the Tai Wai Station site; and
- (k) in conclusion, he urged the Committee to accept his application; or to prepare a Planning Brief for the Tai Wai Station development; to ask LandsD to include special conditions in the lease to require MTRCL to follow the new practice notes to control “inflated buildings”. As the largest shareholder of MTRCL, the government should be able to require MTRCL to improve the scheme.

37. Mr. Li Sai Hung, with the aid of a powerpoint presentation, made the following main points:

- (a) Residents living in the surrounding areas had complained about the wall effect created by the development above the Tai Wai Maintenance Depot which had blocked air flow into their living area. The residents had to use

air-conditioning which was not environmental-friendly;

- (b) the MTRC development scheme had been submitted to the Sha Tin District Council (DC) for consultation since 2002. However, some DC Members' had objected to the scheme but their objections were not taken into account, the matter was not followed up;
- (c) PlanD had raised concern in the Paper about the provision of bicycle spaces in the applicant's scheme. However, he noted that some Members had pointed out in the Development and Housing Committee of the Sha Tin DC that it was unclear whether the bicycle parking provided in the approved scheme would be free-of-charge. Given that uncertainty in MTRCL's proposal, he asked why only the applicant's scheme was criticised.
- (d) Nothing that a portion of the footbridge connection at the intersection of Che Kung Miu Road and Mei Tin Road would be demolished and diverted into the podium of the proposed development at the application site, the local residents had expressed concerns about the certainty of provision of pedestrian connection across Che Kung Miu Road through the commercial podium;
- (e) the large shopping centre would be dominated by chained stores and up-market shops which would push up the rent of shops in the area and in turn the price of the goods sold; and
- (f) the residents did not welcome further development at the site in view of its adverse impacts on the surroundings, and on the community relationship among Tai Wai residents.

38. In response to the enquiry of a Member regarding the changes made by MTRCL to the development proposal at the application site, Mr. Anthony Luk said that in the scheme approved by the Committee on 15.3.2002, there was no gap between buildings, the proposed building heights was 52 storeys / 206.5 mPD. Subsequent to the consideration of application No. Y/ST/5 on 4.9.2007, MTRCL had submitted an application (No. A/ST/691)

in 2009 to address the concerns of local residents by reducing the building height of the residential towers to 199.8 mPD, The form and disposition of buildings blocks had been revised to incorporate gaps of approximately 3m to 18m between adjacent residential blocks and 50 m between Towers 3 and 4. Moreover, ground floor and podium edge setbacks at the south-eastern corner were proposed to form a widened landscape promenade along the Shing Mun River Channel while a proposed pedestrian piazza was proposed at the south-western corner. The total parking spaces for private car had been increased. The scale of development was similar in the previously approved schemes.

39. Another Member enquired about the planning brief prepared for the application site, Mr. Anthony Luk said that a Planning Brief was endorsed by the Committee on 11.1.2002 to guide the development of the application site and the MLP subsequently approved had complied with the requirement laid down in the Planning Brief.

40. A Member asked about the relatively higher building height of the podium and whether the open space for the development would allow public access. Mr. Anthony Luk said that according to the approved scheme in 2009, the podium consisted of a public transport interchange as well as station and railway-related facilities which were already at a height of 28mPD. Combining with the commercial facilities, the overall height of the podium was at 38.5 mPD. Regarding the open space proposed within the approved scheme, Mr. Anthony Luk said that the proposed open space with a size of 8,500 m² in area was for the residents of the subject development only.

41. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

42. Noting the previous use of the site before the depot and station development, a Member was concerned whether public open space should be provided for the use of the

public. The Secretary explained that due consideration had already been given to ensure that there was adequate provision of open space and G/IC facilities in the district when the site was rezoned from “Other Specified Uses” annotated “Kowloon-Canton Railway” to “CDA(1)” to facilitate the proposed Tai Wai Station development in 2000. The zoning and the associated development parameters stipulated in the Notes of the OZP had gone through the due process of plan-making and public consultation prescribed under the Town Planning Ordinance. The Planning Brief and MLP for the proposed development had been approved, and the development was already at implementation stage, with building plans approved. The Secretary said that in response to the local concerns on wall effect, efforts had been made by MTRCL to improve the layout of the development. It was noted that PlanD had discussed with MTRCL ways to improve but as the station facilities had been built and foundations for the above station development were laid, major changes to the layout would not be possible. The revised scheme in 2009 had already included some improvements by widening the gaps between buildings. The Secretary added that a 15 m wide landscape promenade would be provided along Shing Mun River Channel and it would be open to the public. For the private open space, it was provided in accordance with the Planning Brief of 1m² per person.

43. Another Member agreed that efforts had been made by MTRCL to improve the scheme to address local residents’ concern and due consideration had been given by the Committee in the subsequent approvals of the MLP. That Member said that it would be difficult to make any substantial changes to the Notes of OZP at this stage. In view of the above, a Member agreed that the application could not be supported but would like to point out that the applicant’s and the residents’ intention to reduce the development intensity and building heights of the proposed development at the application site with a view to reducing the visual and air ventilation impacts were noted.

44. Another Member agreed that the scale of development at both the Tai Wai Maintenance Depot and the Station sites were large but noted that improvement had been made in the last approved scheme.

45. The Chairman concluded that the “CDA(1)” zoning of the application site had gone through the due process of plan-making and public consultation, and the MLP for the proposed development had been approved several times since 2002. At present, the

development had entered into the implementation stage and the corresponding building plans were approved by the Building Authority in May 2011. Even if the amendments proposed by the applicant could bring about further improvement, there was no statutory planning mechanism to ensure that the amendments would be implemented.

46. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and agreed that they should be amended to reflect Members' views as expressed at the meeting. The rejection reasons were :

- (a) the "CDA(1)" zoning of the application site had gone through the due process of plan-making and public consultation, and the MLP for the proposed development had been approved several times since 2002. The approved development was already at the implementation stage and there was no statutory planning mechanism to ensure that the amendments proposed by the applicants could be implemented;
- (b) the proposed maximum total gross floor area of 152,908 m² (total plot ratio of 2.79, domestic plot ratio of 2.22 and non-domestic plot ratio of 0.57) would not optimize the use of the application site which was situated on a railway station and was adequately supported by infrastructures;
- (c) there was no submission of a Master Layout Plan and there was insufficient information in the submission to demonstrate the proposed development restrictions would improve the landscape, visual, air ventilation and environmental, traffic impacts of the proposed development; and
- (d) the proposed parking provision was below the requirement of the Hong Kong Planning Standards and Guidelines and was insufficient to meet the demand of the development. There was also no provision of a post-secondary college in the proposal.

[The Chairman thanked Mr. W. K. Hui, DPO/STN, for his attendance to answer Members' enquires. Mr. Hui left the meeting at this point.]

Agenda Item 12

Section 16 Application

[Mr. B. W. Chan left the meeting temporarily and Mr. T. K. Choi returned to the meeting at this point.]

[Open Meeting]

A/NE-KTS/312 Temporary Open Storage of Construction Materials and Machinery
Parts (excluding Dangerous Goods) for a Period of 3 Years
in “Agriculture” zone,
Lots 1118 S.A (Part) and 1118 RP (Part) in D.D. 92,
Hang Tau Tai Po, Kwu Tung
(RNTPC Paper No. A/NE-KTS/312)

47. The Secretary reported that on 10.8.2011, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow sufficient time for the applicant to address concerns of government departments and provide further information.

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

Agenda Item 13

Section 16 Application

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

[Open Meeting]

A/NE-KTS/313 Proposed Residential Institution (Home for the Elderly)
in “Green Belt” zone,
Lots 1639 S.D ss.1, 1639 S.D ss.2 and 1639 S.E in D.D. 100,
Ying Pun, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/313)

49. The Secretary reported that the Planning Department (PlanD) requested for a deferment of the consideration of the application for a period of one month in order to allow time for the relevant government departments to be consulted on the further information (FI) submitted by the Applicant on 15.8.2011 and 16.8.2011. The request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to consult relevant government departments on major technical issues directly associated with the case in question; the deferment period was not indefinite; and that the deferment would not affect the interest of other relevant parties.

50. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration upon receipt of government departmental comments on the FI.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/314 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 496 S.F in D.D. 94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/314)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments were detailed in paragraph 9 and Appendix II of the Paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as the application site had high potential for agricultural rehabilitation; and
 - (ii) the Commissioner for Transport (C for T) had reservation on the application and advised that the Small House development should be confined within the “V” zone as far as possible. However, as the application only involved construction of one Small House, it could be tolerated unless it was rejected on other grounds.

- (d) three public comments were received during the first three weeks of the statutory publication period from two North District Council (NDC) members (Mr. HAU Kam Lam and Mr. TANG Kun Nin) and Designing Hong Kong Limited. One of the NDC members had no comment on the application whereas the other NDC member supported the application as it could bring about benefits to the villagers. Designing Hong Kong Limited objected to the application on the grounds that the application site was zoned “AGR” and the zoning intention and character of the area was incompatible with urban sprawl; the layout of existing and proposed infrastructure and development was haphazard and it was incompatible with the current and proposed land uses; and failure to provide a sustainable layout before approval would further deteriorate the living environment in the village, impact on the well being of residents and create health and social problems and future costs to society; 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, which were summarised as below:
 - (i) the proposed Small House met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’) in that the Small House footprint fell within the village ‘environs’ of Hang Tau Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Hang Tau Village. In this regard, DLO/TP had no objection to the application;

 - (ii) the proposed development was not in line with the planning intention of the “Agricultural” (“AGR”) zone and the DAFC did not support the application as the application site had high potential for agricultural rehabilitation. Nevertheless, it was noted that the application site was located to the south-east of the “V” zone of Hang Tau Village and the footprint of the proposed Small House fell entirely within the ‘VE’ of the same village. Besides, the

proposed Small House development was not incompatible with the surrounding land uses. In addition, similar applications for Small House development within/partly within the same “AGR” zone in the vicinity of the application site had also been approved with conditions by the Committee. Moreover, the proposed Small House development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments had no adverse comment on or no objection to the application.

- (iii) regarding the public comments objecting to the application, it was considered that the proposed Small House development was not incompatible with the village houses in the neighbourhood and would not cause significant adverse traffic, environmental, landscape and drainage impacts on the surrounding area. Concerned government departments had no adverse comment on or no objection to the application.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, 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 landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department 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; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-LT/436 Proposed Filling of Land (including Construction of Retaining Wall) as part of Site Formation Work for Five Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 63 S.A (Part), 63 RP (Part), 64 S.A (Part), 64 S.B (Part), 64 S.F (Part) and 64 RP (Part) in D.D. 8, Shui Wo Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/436)

55. The Secretary reported that on 17.8.2011, the applicant’s representative requested for a deferment of the consideration of the application for two months to allow addition time for conducting a visual impact study and preparing a photomontage to address Chief Town Planner/Urban Design & Landscape’s concerns.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/365 Proposed House (New Territories Exempted House – Small House) . in “Green Belt” zone, Government land in D.D. 27, Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/365)

Presentation and Question Sessions

57. 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 - departmental comments were detailed in paragraph 9 and Appendix II of the Paper and highlighted below:
 - (i) the Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “V” zone as far as possible. Notwithstanding, the subject application only involved construction of a Small House, he considered that this application can be tolerated unless it was rejected on other grounds; and
 - (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. Based on an aerial photo taken at 3.5.2010, there was a vegetated slope to the north and village house clusters to the south of the site. According to site visit conducted on 13.7.2011, the site was paved with concrete. There were signs of vegetation clearance and the adjacent slope profile had recently been disturbed. The proposed Small House construction would affect the existing slope, no information was provided to demonstrate the extent of slope works required and it was not known if the vegetated area outside the site boundary would be affected. Therefore, adverse impact on the existing landscape resources was anticipated. Despite the potential significant impact, the applicant had provided no information to demonstrate that the

adverse impact can be mitigated. Also, there was a general presumption against development within “GB” zone. The approval of this application would encourage similar Small House applications encroaching onto the “Green Belt” zone resulting in uncontrolled urban sprawl and degradation of existing landscape resources in the area.

- (d) One public comment was received during the first three weeks of the statutory publication period from Designing Hong Kong Limited. The commenter objected to the application on the grounds that the area was zoned “GB”, the zoning intention and character of the area was incompatible with urban sprawl, and the area lacked a plan for a sustainable layout of infrastructure and development; and
- (e) the Planning Department (PlanD)’s views –
 - (i) the site was a piece of government land located near the bottom of a densely vegetated slope zoned “GB” at the fringe of Sha Lan “V” zone, where construction of Small Houses was in progress. The site was about 3m above the level of the Small Houses No. 300, 301 and 302 in the vicinity. The footprint of the proposed Small House fell entirely within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Concerned government departments had no adverse comment on the application. In this regard, the proposed Small House generally complied with the Interim Criteria.
 - (ii) however, according to aerial photo taken in 2009 and 2010, the site was covered with vegetation at that time. The CTP/UD&L, PlanD objected to the application and pointed out that the site had recently been cleared of vegetation and paved over and the slope profile had been disturbed. The approval of such application would result in development encroaching onto the green belt and degrading the existing landscape resources in the area.

- (iii) although the proposed Small House generally met the Interim Criteria, any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development should be deterred. On 24.6.2011, the Board, in considering the TPB Paper No. 8843 on Proposed Measures against the “Destroy First and Build Later” approach, agreed to adopt measures to deal with such approach, including to defer a decision on a planning application in order to investigate a case of unauthorised development where there was prima facie evidence to indicate that the unauthorised development was of such a nature that it might constitute an abuse of the planning application process so as to determine whether the application might be rejected for such reason. In order to allow more time for investigation on the recent site formation/clearance works undertaken on the subject site, PlanD recommended that a decision on the application be deferred to ascertain whether any unauthorised development was involved that might constitute an abuse of the planning application process.

- (iv) PlanD’s request for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33) in that more time was required to investigate into the matter, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

58. A Member asked about the time the two aerial photos shown at Plan A-3a and A-3b of the Paper was taken. In response, Ms Lisa L. S. Cheng said that the two aerial photos were taken in 2010 and 2009 respectively and currently the site was concrete-paved.

Deliberation Session

59. A Member supported deferring the consideration of the application in order to allow time for PlanD to investigate whether any unauthorised development was involved and this would send a clear message to those who intended to destroy the environment in the hope that the Board would give sympathetic consideration to subsequent development that the Board would be determined to deter such illegal acts. Another Member agreed to PlanD's recommendation to adopt the measures to deal with the "Destroy First and Build Later" approach as agreed by the Town Planning Board at its meeting on 24.6.2011. That Member said that the deferment met the criteria set out in the relevant TPB Guidelines in that more time was required to investigate into the matter, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

60. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD pending the investigation of the suspected unauthorised development on the application site. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of information from PlanD. The Committee also agreed to advise the applicant that two months were allowed for PlanD to prepare for the submission of information.

Agenda Items 17 and 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/502 Proposed House (New Territories Exempted House – Small House)
in "Green Belt" and "Village Type Development" zones,
Lots 557 S.D and 558 S.A in D.D. 32 and
Adjoining Government Land, Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/502 and 503)

A/TP/503 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lots 557 S.E and 558 R.P. in D.D. 32 and
Adjoining Government Land, Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/502 and 503)

Presentation and Question Sessions

61. Noting that the two applications were of the same nature and the application sites were located next to each other within the same “Village Type Development” (“V”) and “Green Belt (“GB”) zones, Members agreed that they could be considered together.

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

- (a) background to the applications;
- (b) one proposed House (New Territories Exempted House (NTEH) – Small House) under each application;
- (c) departmental comments were detailed in paragraph 10 and Appendix II of the Paper and highlighted below:
 - (i) the Commissioner for Transport (C for T) had reservation on the precedent effect of approving these applications as the resulting cumulative adverse traffic impact could be substantial. However, as each application only involved construction of one Small House, the applications could be tolerated unless they were rejected on other grounds; and
 - (ii) the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) objected to the applications as the construction of the proposed Small Houses and associated site formation works would likely resulted in more of the wooded slope

being disturbed and encroachment into the "GB" zone and damage the extensive root system of the large Camphor tree nearby.

- (d) two public comments on both applications were received during the first three weeks of the statutory publication period. The Hong Kong Bird Watching Society Limited objected to the applications on the grounds that the proposal would lead to degradation of habitat quality and irreversible impact to biodiversity and affect an adjacent large mature Camphor Tree (*Cinnamomum camphora*). Designing Hong Kong Limited commented that the proposed developments were not suitable as they would affect the surrounding environment and there was no sustainable village layout plan 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 Paper, which were summarised as below:
 - (i) the two proposed Small Houses under the two applications met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria') in that more than 50% of the Small House footprints fell within the village 'environs' of Ha Wong Yi Au and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Ha Wong Yi Au. In this regard, District lands Officer/Tai Po of Lands Department (DLO/TP, LandsD) had no objection to the applications;
 - (ii) the two proposed Small Houses would involve site formation works cutting into the adjoining slope. The Head of Geotechnical Engineering Office of Civil Engineering & Development Department (H(GEO), CEDD) had no adverse comment. The CTP/UD&L, PlanD objected to the applications on landscaping grounds and the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the applications from nature

conservation point of view. In order to address CTP/UD&L, PlanD's concerns and to mitigate the landscape impact arising from the proposed developments, an approval condition on submission and implementation of landscape and tree preservation proposals was recommended for both application.

- (iii) compared with the previous applications No. A/TP/478 and A/TP/490 which were rejected by the RNTPC on 18.3.2011 and 6.5.2011 respectively, the footprint of the proposed Small Houses had been shifted eastward and the size of the uncovered area of the sites had been reduced, so that the cutting of slope within government land had become less extensive. The height of the building platform and the retaining wall had also been reduced from 3.5m to about 1m to 1.5m high. The amount of site formation works and the height of building platform were similar to those for Application No. A/TP/444 which was approved by the RNTPC. As the current applications did not involve felling of trees and the proposed development would unlikely cause adverse environmental, traffic and infrastructural impacts on the surrounding area, they complied with the Town planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance'; and
- (iv) regarding the public comments which expressed concerns that there was no sustainable village layout plan for the area, relevant departments had not raised similar concerns on such matters. Regarding the possible impact on the Camphor tree, DAFC advised that the applicant of Application No. A/TP/503 should consult the local villagers and minimize the impact on the Camphor tree as far as possible. No adverse comment from the local villagers had been received.

63. Members had no question on the application.

Deliberation Session

64. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 19.8.2015, 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. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposals, including the cutting slope area, to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were no existing DSD maintained public stormwater drains available for connection in this area. The applicants were required to maintain their own stormwater systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; Environmental Protection Department should be consulted regarding the preferred sewerage treatment/disposal method for the proposed development; and for works to be undertaken outside the lot boundary, the applicants should consult the District Lands Officer/Tai Po and seek consent from relevant lot owners before commencement of the drainage works;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (c) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application and to assess the geotechnical feasibility of the proposed developments. The applicant should also note the 'Geotechnical Engineering Office Advice Note', which set out the essential contents of a GPRR. The applicant were reminded to submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (d) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (e) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicant should consult the local villagers and minimize the impact on the mature camphor tree to the south of the application site as far as possible (Application No. A/TP/503 only);
- (f) to note the comments of the Commissioner for Transport that the existing village access was not under Transport Department's jurisdiction. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities

accordingly;

- (g) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the nearby access was not maintained by HyD; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application sites. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application sites, the applicants should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application sites, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.

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

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. Ernest C.M. Fung 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/420 Proposed Wholesale Conversion for Office, Eating Place,
and Shop and Services in "Industrial" zone,
Tuen Mun Town Lot No. 145, No. 6 Tsun Wen Road, Tuen Mun
(RNTPC Paper No. A/TM/420)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed wholesale conversion for office, eating place, and shop and services in "Industrial" zone;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period was received. On 5.7.2011, the further information was published for public inspection. Two public comments were received during the first three weeks of the statutory public inspection period of the further information. One comment supporting the application was submitted by an individual, while another comment submitted by an existing tenant in the building stated that he did not want the application to interrupt his existing warehouse and logistics business and was willing to extend the lease; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was considered not incompatible with the adjacent land uses. 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 Town Planning Board (TPB) Guidelines No. 25D. The Director-General of Trade and Industry (DG of TI) had no objection to the application;

 - (ii) the proposed development would not have adverse traffic impacts. The proposed conversion could provide about 83% of the minimum requirement of car parking spaces as recommended by the Hong Kong Planning Standards and Guidelines (HKPSG). The existing surplus parking spaces in the vicinity could absorb some of the parking demand from the proposed development and the site was also well served by public transport. The proposed provision of goods vehicle loading/ unloading bays and motorcycle parking spaces after conversion satisfied the minimum requirement of the HKPSG. Commissioner for Transport (C for T) had no comment on the application.

- (iii) other concerned development had no objection to the application. While the Director of Environmental Protection (DEP) had no comment on the submitted Sewerage Impact Assessment, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) requested a revised Sewerage Impact Assessment (SIA) incorporating his comments be submitted to him upon approval of the application. To address CE/MN, DSD's concerns, relevant approval condition for the submission of a SIA and the implementation of the proposed mitigation measure identified therein to the satisfaction of the CE/MN of DSD was recommended; and

- (iv) the site fell within the proposed "Comprehensive Development Area" ("CDA") zone in the updated Area Assessments of Industrial Land in the Territory 2009 which was endorsed in-principle by the Board on 17.9.2010. In order not to jeopardize the potential long-term planning intention of the site, the applicant should be advised that the approval would be for the lifetime of the building. Upon redevelopment, the site would need to conform with the zoning and development restrictions on the OZP in force at the time of redevelopment which might not be the same as those of the existing building. Relevant advisory clause was recommended in this regard.

67. A Member asked when the lease of the application site would expire. In response, Mr. C. C. Lau said that the lease of the subject building was until the year 2047.

Deliberation Session

68. A Member supported the proposed conversion which could optimise the use of land to meet the changing economic needs. The approval of the application would send a positive message to the stakeholders that wholesale conversion of industrial buildings would be favourably considered by the Board. The Chairman said that according to the Updated Area Assessments of Industrial Land in the Territory 2009 (Area Assessment 2009)

presented to the Board in September 2010, the site was recommended to be rezoned from “Industrial” to “Comprehensive Development Area” in due course. A Member requested LandsD to clarify the breach of lease condition as mentioned by District Lands Officer/Tuen Mun in paragraph 10.1.1.(c) of the Paper, Ms. Anita K. F. Lam said that if planning approval was given, the applicant would need to apply for a lease modification or temporary waiver for the proposal. If there was no objection from relevant government departments, LandsD would approve the application. According to the prevailing government policy on revitalisation of old industrial buildings, no waiver fee would need to be paid for the wholesale conversion of an industrial building. A Member said that a mechanism should be established that the public know the number of successful cases involving wholesale conversion of industrial building.

69. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.8.2015, 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 sewerage impact assessment and implementation of proposed mitigation measures identified in the assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and

development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;

- (b) to note the comments of District Lands Officer/Tuen Mun that if planning approval was given, the applicant should apply for lease modification or temporary waiver for the proposed uses. He also advised that the proposal would only be considered upon the receipt of formal application from the applicant. There was no guarantee that the application, if received, would be approved and he reserved his comment on such. The application would be considered by him acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;

- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) that the estimate of the sewage flow from the existing industrial building based on the Guidelines for Estimating Sewerage Flows (GESF) for Sewage Infrastructure Planning, Version 1 published by the Director of Environmental Protection (DEP) and the Hong Kong Planning Standards and Guidelines was inappropriate as these guidelines were issued recently, years after the completion of the industrial building. The original design of the sewage flow during the development stage of existing industrial building should be used to estimate the sewerage flow from the industrial building for comparison with sewage flow from the proposed conversion. The applicant should revise the Sewerage Impact Assessment (SIA) accordingly. Mitigation measures should be provided if the capacity of the existing sewers serving the area would not be sufficient to cater for sewage generated from the proposed conversion. Commercial activities (general – territorial average in Table T-2 of the GESF to be adopted if no future development scenarios were known at this moment) should be included in estimating the sewerage generation on site for the proposed offices. Based on DSD's drainage

record, sewage from the existing industrial building was discharged from the terminal manhole within the building boundary to DSD's manholes FMH1021224 via DSD's manholes FMH1021236 and FMH10211235. This arrangement should preferably be shown on the figure for ease of reference. The proposed arrangement of discharge sewage from the proposed conversion should be shown on the figure. The developer should also demonstrate that the connection pipe (i.e. the 300mm diameter sewer connecting the terminal manhole within the building boundary to DSD's manhole FMH10211236 and the downstream pipes after the connection points have spare capacities to cater for the additional sewage (if any) after the conversion. The applicant should submit a SIA on the impact on the existing public sewerage system in the local area including the sewerage connection pipe for the conversion to his satisfaction;

- (d) to note the comment of DEP that the applicant should observe the relevant pollution control ordinances in implementing the proposal;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should be responsible for his own access arrangement. If any run-in/out was approved by the Commissioner for Transport, the applicant should construct it according to HyD's standard drawings numbers H1113 and H1114, or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that the applicant should appoint an Authorized Person to submit building plans for the proposed change in use/alteration works to demonstrate full compliance with the current provisions of the Buildings Ordinance (BO). Detailed comments could only be given at formal building plan submission stage. The applicant's attention should be drawn to Practice Note for Authorized Persons,

Registered Structural Engineers and Registered Geotechnical Engineers APP-47 that the Building Authority had no powers to give retrospective approval or consent for unauthorized building works;

- (g) the granting of planning approval should not be construed as condoning to any unauthorized structure on the existing site under the BO and the allied regulations; and
- (h) to note the comments of Director of Fire Services on fire services installations and water supplies for fire fighting to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the emergency vehicular access provision should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the BD.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/TM/421

Proposed Two Houses

(New Territories Exempted Houses – Small Houses)

in “Green Belt” zone, Lots 320 S.A and 320 RP in D.D. 131,

Yeung Siu Hang Tsuen, Tuen Mun

(RNTPC Paper No. A/TM/421)

71. The Secretary reported that on 12.8.2011, the applicant’s representative requested for a deferment of the consideration of the application for one month to allow additional time for the applicant to address departmental comments on drainage and landscape issues.

72. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted for its

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/289 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lots 4891 RP (Part), 4892 (Part), 4893 (Part) and 4894 in D.D. 116 and
Adjoining Government Land, Tai Tong Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/289)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) One public comment from the Village Representative of Sung Ching San Tsuen and the Shap Pat Heung Hung Tso Tin Tsuen Indigenous Villagers’ Welfare Association was received during the first three weeks of the statutory publication period. The commenter raised concerns on the potential visual impact, incompatibility with the surrounding areas and noise nuisance to nearby residents, traffic congestion and damage to the

living environment arising from the operation of the development; 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, which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses which were predominated by residential structures/developments, agricultural land, parking lots and a few open storage/storage yards and warehouses. The development would provide real estate agency service to serve some of the needs of the neighbouring residential developments. In view of its small scale and frontage onto Tai Tong Road, the environmental nuisance generated by the development would unlikely be significant. Relevant government departments consulted including DEP had no adverse comment on the application;
 - (ii) although the “Village Type Development” (“V”) zone was primarily intended for Small House development, the District Lands Officer/Yuen Long, Lands Department had no objection to the application and advised that there was currently no small house application at the site. Approval of the application on a temporary basis for three years would not jeopardize the planning intention of the “V” zone;
 - (iii) relevant government departments consulted generally had no adverse comment on the application. Relevant approval conditions were recommended to require the submission and implementation of run-in/out, landscape, drainage and FSIs proposals for addressing the technical concerns of the Chief Highway Engineer/New Territories West of Highways Department, the Chief Town Planner/Urban Design & Landscape of PlanD, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Service

respectively. To minimize any possible environmental concerns, an approval condition restricting the operation hours, as proposed by the applicant was recommended. The applicant would be advised to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact; and

- (iv) regarding the public comment on the compatibility of the proposed development and the environmental nuisance generated, it was considered that the development was not incompatible with the surrounding areas and the environmental nuisance generated would unlikely be significant given its small scale and frontage onto Tai Tong Road. Relevant approval conditions were also recommended to minimize the possible adverse impacts on the environment, traffic, landscape, drainage and fire safety aspects arising from the development.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.2.2012;

- (c) in relation to (b) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.5.2012;
- (d) the submission of landscaping 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 19.2.2012;
- (e) in relation to (d) above, the implementation of landscaping 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 19.5.2012;
- (f) 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 19.2.2012;
- (g) in relation to (f) above, the provision 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 19.5.2012;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.2.2012;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.5.2012;
- (j) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

76. 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 note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the specified structures as office and toilet use. No permission had been given for occupation of the government land (GL) within the site. Access of the site was open via a short stretch of GL extended from Tai Tong Road. His office provided no maintenance works for this track nor guarantees right-of-way. Should the application be approved, the lot owner and occupier of GL should apply to his office to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (c) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Besides, the applicant should provide adequate drainage

measures at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. Moreover, his department should not be responsible for the construction of the maintenance of any vehicular access connecting the site and Tai Tong Road;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact on the adjacent area;
- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be proposed along the perimeter of the site for enhancing the greening and screening effect;
- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration; and

- (h) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant and/ or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/543 Temporary Religious Institution (Shelter for Gathering)
for a Period of 3 Years in “Residential (Group B) 1” zone,
Lot 555 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/543)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary religious institution (shelter for gathering) for a period of 3 years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) 27 comments were received during the first three weeks of the statutory publication period. One commenter objected to the application as he considered that the application was made to counter a building order issued by the Buildings Department and there was a suspected canteen at the site which polluted the environment and contravened the land use. Another comment was received from Designing Hong Kong Limited (DHKL) which indicated no objection to the application provided that the applicant would respect the land and the neighbourhood; the development would add value to the neighbourhood and the environment and would not create any adverse environmental and traffic impacts; a mechanism was established to monitor that adequate investment would be made for the development; and the proposed uses would match with the detailed planning for the area. The other 25 comments were received from Kam Lan Koon and mostly its followers who indicated support to the application mainly for reasons that they needed the site for organizing the various religious and charitable activities and the shelter at the site could protect them from being exposed to sunlight and rain during activities; 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, which were summarised below:
 - (i) the applied use was not excessive in scale and not incompatible with the surrounding environment. The open areas of the site were either paved or covered by lawns which were well maintained. As there was no current programme for residential development at the site, the development on a temporary basis for 3 years would not frustrate the long-term planning intention of the subject “R(B)1” zone.

- (ii) although there was a medium-density residential development to the northeast of the site and another residential development was under construction to its north, it was anticipated that the development would not generate adverse environmental impact on the surrounding areas, and DEP had no adverse comment in this regard. To address possible environmental concern on the noise impact generated from the group activities, approval condition prohibiting the use of audio amplification system was recommended. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisances;
- (iii) relevant government departments consulted generally had no adverse comment on the application. The requirements of the Chief Town Planner/Urban Design & Landscape of PlanD, the Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services on the need to maintain the existing vegetation and submit and implement drainage and FSIs proposals could be addressed by imposing relevant approval conditions; and
- (iv) Most of the public comments received were in support of the application. The only objection was from a property company which concerned the existence of unauthorized structures and suspected canteen use on the site, leading to environmental pollution and land use problem. However, relevant departments including DFEH and DEP had no adverse comment on the application. CBS/NTW of BD also had no in-principle objection to the applied use but advises that enforcement action might be taken to effect the removal of the UBW in accordance with his policy.
- (v) there was no local objection against the application.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the application site at any time during the planning approval period;
- (b) the existing landscape planting and vegetation on the application site should be maintained at all times during the planning approval period;
- (c) the provision of boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.2.2012;
- (d) 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 19.2.2012;
- (e) in relation to (d) 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 19.5.2012;
- (f) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.2.2012;
- (g) in relation to (f) above, the implementation of water supplies for fire fighting and fire service installations proposals within 9 months from the

date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.5.2012;

- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (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.

80. 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 comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land and other private land extended from Tong Yan San Tsuen Road. His office provides no maintenance works for this track nor guarantees right-of-way;

- (c) to note the comment of Commissioner for Transport 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;
- (d) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Emergency vehicular access provision at the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulations (B(P)R) 41D;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site. Before any new building works were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3)

at the building plan submission stage. For UBW erected on land under lease, enforcement action might be taken by the Building Authority to effect their removal in accordance with the Buildings Department's Enforcement Policy against UBW as and when necessary. Moreover, the granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the Buildings Ordinance; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-KTN/364 Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years in "Agriculture" zone,
Lots 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part)
and 422 RP (Part) in D.D. 110 and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/364)

81. The Secretary reported that on 5.8.2011, the applicant requested for a further deferment of the consideration of the applicants for two more months to allow time for the applicants to liaise with the Transport Department and to prepare a traffic assessment report for the application.

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-MP/193 Proposed House Development, Minor Relaxation of Building Height Restriction, and Filling and Excavation of Land for Site Formation Only in “Residential (Group D)” zone, Lots 3054 S.A RP, 3098 RP (Part), 3108 (Part), 3109 (Part), 3100 (Part), 3110, 3111, 3112, 3113, 3114, 3115 RP, 3119 RP, 3122 RP, 3123, 3124, 3126, 3131 S.A, 3131 S.B, 3131 S.C, 3131 S.D, 3131 RP, 3132, 3138, 3146, 3147 RP (Part), 3148, 3150 RP, 3156 RP, 3158 RP, 3162, 3163, 3164 S.A, 3164 RP, 3167, 3168, 3171, 3173, 3176, 3177, 3178, 3179, 3180 RP, 3181 RP, 3182 RP, 3189 RP, 3190, 3191, 3192 RP, 3193 RP and 3194 RP in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long (RNTPC Paper No. A/YL-MP/193)

83. The Secretary reported that Mr. Y. K. Cheng had declared an interest in this item as he had current business dealings with Sun Hung Kai properties Ltd which owned the applicant. The Committee considered that as the applicant had requested for a deferment of

consideration of the application, Mr. Cheng could be allowed to stay in the meeting.

84. The Secretary reported that on 25.7.2011, the applicants' representative requested for a deferment of the consideration of the application for two months to allow additional time for the applicant to prepare responses to the departmental comments.

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

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-HT/725 Proposed Low-Density Residential Development and Minor Relaxation of Building Height Restriction in "Residential (Group D)" zone, Lots No. 63 S.A, 163 S.B, 164, 165 S.B (Part), 165 RP (Part), 166 RP, 167 RP, 168, 169, 170 and 171 in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/725)

86. The Secretary reported that on 4.8.2011, the applicant requested for a deferment of the consideration of the application for two months in order to allow additional time for the applicant to address departmental comments.

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

applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of the further information, and since this was the third deferment of the application and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/732 Temporary Public Vehicle Park (excluding Container Vehicle)
with Ancillary Warehouse (excluding Dangerous Goods)
for a Period of 3 Years
in “Residential (Group C)” and “Residential (Group D)” zones,
Lots No. 1024 S.A RP (Part), 1080 (Part), 1084 (Part), 1085 (Part),
1086 (Part), 1087 (Part), 1088 (Part), 1089 (Part), 1090 (Part),
1091 (Part), 1092 (Part) and 1104 (Part) in D.D. 124,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/732)

Presentation and Question Sessions

88. Mr. Ernest C.M. Fung, 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 (excluding container vehicle) with ancillary warehouse (excluding dangerous goods) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that one air pollution and one noise pollution complaints pertaining to the site were received in 2009. He did not support the application

because there were sensitive users in the vicinity of the site and along the access roads (Hung Chi Road and Hung Shui Kiu Main Street) and environmental nuisance was expected;

- (d) one public comment from Designing Hong Kong Limited (DHKL) was received during the first three weeks of the statutory publication period. DHKL objected to the application on the grounds that adequate parking facilities and similar land uses already existed in the area, and the use of the site for open storage would be a blight on the environment. DHKL was of the view that a holistic approach would be required regarding the availability of parking spaces as over provision would reduce the cost of car use thereby promoting car use and ownership, which was against the territory's transport policy; 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, which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “Residential (Group D)” zone. No strong planning justification had been given in the submission for a departure from the planning intention even on a temporary basis;
 - (ii) the applied use was incompatible with the residential dwellings in the vicinity of the site, the DEP did not support the application because there were sensitive uses in the vicinity of the site and along the access roads and environmental nuisance was expected. Approval of the subject application would not only frustrate the upgrading of the site for residential use, but also that of the nearby sites due to potential industrial/residential interface problem;
 - (iii) the application site was currently operated as a logistics centre, and container vehicles/trailers were parked on-site. Although the revised Town Planning Board Guidelines for Application for Open

Storage and Port Back-up Uses (TPB PG-No. 13E) were not applicable to warehouses and public vehicle parks not involving the parking of container vehicles/trailers/tractors, the “R(D)” portion of the site fell within Category 3 (about 63%) and the “R(C)” fell within Category 4 (about 37%) areas under the revised TPB PG-No. 13E, where logistics uses would not normally be favourably considered. Besides, the warehouse on-site could not be considered as ancillary to the public vehicle park use; and

- (iv) the Committee had rejected a similar application No. A/YL-HT/457 for temporary public car park use and 2 similar applications No. A/YL-HT/217 and 614 for temporary warehouse uses within the “R(D)” zone on the Ha Tsuen OZP. There had been no material change in the planning circumstances since the rejection of these applications. Rejection of the application was therefore in line with the Committee’s previous decisions.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board, and that of the “Residential (Group C)” (“R(C)”) zone which was for low-rise, low density residential developments. There was no strong planning justification in the submission for a departure from such planning

intention, even on a temporary basis;

- (b) the applicant failed to demonstrate that the adverse environmental impacts of the development on the surrounding residential uses could be addressed; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone on the Ha Tsuen Outline Zoning Plan (OZP) and the “R(C)” zone on the Ping Shan OZP. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/745 Proposed Temporary Logistics Centre with Ancillary Vehicle Park
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 823 S.B RP (Part), 826 S.B ss.1 RP (Part),
829 S.A (Part), 829 S.B (Part), 830 RP (Part), 831, 832, 833 RP,
834, 837 S.B RP (Part), 838 (Part) and 839 (Part) in D.D.125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/745)

Presentation and Question Sessions

91. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary logistics centre with ancillary vehicle park for a period of three years;
- (c) departmental comments – the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) had reservation on the application and requested the applicant to fulfil requirements of removal of existing hoarding for relocation back to the limit of the site; and to undertake necessary works within the site at the applicant’s own expenses to the satisfaction of relevant government departments, for the provision of an access to tie in with the as-built run-in connecting to the newly constructed Pin Ha Road carriageway. The Director of Environmental Protection (DEP) advised that no pollution complaint against the site were received in the past three years. He did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone which were mainly open storage yards. There was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone;
 - (ii) the development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port

Back-up Uses' in that DEP and CE/LW of CEDD's concerns could be addressed by way of approval conditions. The technical concern of the Chief Town Planner/Urban Design and Landscape, PlanD, the Chief Highway Engineer/New Territories West of Highways Department and the Director of Fire Services on submission and implementation of a landscape and tree preservation proposal, a run-in/out proposal and fire services installation proposal could be addressed by imposing approval conditions;

- (iii) although DEP did not support the application because of the sensitive uses in the vicinity, there was no pollution complaint against the site over the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and the stacking height of materials were recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimise the possible environmental impacts on the nearby sensitive receivers;
- (iv) although CE/LW of CEDD had reservation on the application due to the encroachment of the existing hoarding of the site upon a 1.5m to 2m wide strip of government land, to address his concerns, approval conditions on the setting back of the hoarding of the site and the provision of fencing were recommended.
- (v) the Committee had approved 4 previous applications (No. A/YL-HT/94, 159, 309 and 535) for various temporary open storage uses since 1999. There had been no material change in the planning circumstances since the granting of the previous approvals. Approval of the subject application was in line with the Committee's previous decisions; and
- (vi) there was no local objection against the application.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.8.2014, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the setting back of the hoarding of the site from the works limit of the Contract No. CV/2006/01 'Ping Ha Road Improvement – Remaining Works' during the planning approval period;
- (e) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.2.2012;
- (g) the submission of a tree preservation and landscape proposal, including the replacement of dead trees and removal of creepers and weeds, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.2.2012;

- (h) in relation to (g) above the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.5.2012;
- (i) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.2.2012;
- (j) in relation to (i) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.5.2012;
- (k) the submission of a 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 19.2.2012;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.5.2012;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.2.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) 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 (f), (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.

94. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long of Lands Department (LandsD) that the land under the site comprised Old Scheduled Agricultural Lots granted under the Block Government Lease which no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected on lots not covered by Short Term Waiver No. 3168 or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. He did not provide maintenance nor guarantee right-of-way for access to the site through government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works of Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. The applicant should consult CE/LW for any interface problem;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport 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 comments of the Chief Highway Engineer/New Territories West of Highways Department (HyD) that run-in/out at the access point at Ping Ha Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement; and to provide adequate drainage measures to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;
- (f) to note the comments of the CE/LW, CEDD that the existing hoarding of the site had been found encroaching upon the government land currently assigned to him under Contract No. CV/2006/01. The applicant should undertake necessary works within the site at his own expenses, to the satisfaction of the Transport Department, HyD and CEDD, for provision of an access to tie in with the as-built run-in connecting to the newly constructed Ping Ha Road carriageway;
- (g) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations to him for approval. 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 where the proposed fire service installations (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 FSIs, the applicant was required to provide justifications to him for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions

appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new work, including any temporary structure for approval under the BO was required. Use of container as office was considered as temporary building and was subject to control under Building (Planning) Regulations (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 building plan submission stage. The applicant's attention was drawn to the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/746 Temporary Open Storage of Imported Vehicle Parts
for a Period of 3 Years in "Comprehensive Development Area" zone,
Lots No. 3203 RP (Part), 3253 (Part), 3254 RP (Part) and 3271 (Part)
in D.D.129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/746)

Presentation and Question Sessions

95. Mr. Ernest C.M. Fung, 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 imported vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no pollution complaint against the site was received over the

past 3 years. He did not support the application as there were sensitive uses in the vicinity of the site and access roads (Fung Kong Tsuen and Ping Ha Road), and environmental nuisance was expected. Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning perspective as the last 2 previous applications No. A/YL-HT/513 and 598 failed to comply with approval conditions on the implementation of landscape proposals;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone which were mainly open storage yards. There was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone;
 - (ii) the development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that concerned government departments, except DEP, had no adverse comments on the application. The technical concern of the CTP/UD&L, PlanD and the Director of Fire Services on submission and implementation of tree preservation and landscape proposal, and fire services installation proposal could be addressed by imposing approval conditions;

- (iii) although DEP did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected, no pollution complaint was received over the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and types of activities, and the stacking height of materials were recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimise the possible environmental impacts on the nearby sensitive receivers;
- (iv) the Committee had approved 6 previous applications (No. A/YL-HT/39, 100, 176, 363, 513 and 598) for various temporary open storage uses since 1998. There had been no material change in the planning circumstances since the granting of the previous approvals. Approval of the subject application was in line with the Committee's previous decisions; and
- (v) there was no local objection against the application.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.8.2014, 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., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing, compaction and workshop activity, as proposed by the applicant, was allowed on the site during the approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.2.2012;
- (f) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.2.2012;
- (g) in relation to (f) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.5.2012;
- (h) 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 19.2.2012;
- (i) in relation to (h) 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 19.5.2012;
- (j) the submission of a 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 19.2.2012;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 19.5.2012;

- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.2.2012;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

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

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without the his prior approval, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. If the

application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. The site was accessible from Fung Kong Tsuen Road via a short stretch of government land. He did not provide maintenance works for the short stretch of government land from Fung Kong Tsuen Road through which the site was accessed nor 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 minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport 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 comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct the run-in/out at the access point at Fung Kong Tsuen Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement; and to provide adequate drainage measures to prevent surface water flowing from the site to the nearby public roads and drains through the run-in/out;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good practices and implement necessary water pollution measures to avoid disturbance to the nearby watercourse;

- (h) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. 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 FSIs, the applicant was required to provide justifications to him for consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new work, including any temporary structure for approval under the BO was required. Use of container as office was considered as temporary building and was subject to control under Building (Planning) Regulations (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 building plan submission stage. The applicant's attention was drawn to the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/747 Temporary Open Storage of Plastic Material
for a Period of 1 Year in “Residential (Group D)” zone,
Lots No. 1322 (Part), 1323 (Part), 1324 (Part), 1325 (Part),
1326 (Part) and 1330 in D.D. 124 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/747)

[Mr. Walter K. L. Chan returned to join the meeting and Ms. Anna S. Y. Kwong arrived to join the meeting at this point.]

Presentation and Question Sessions

99. Mr. Ernest C.M. Fung, 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 plastic material for a period of one year;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no pollution complaint pertaining to the site had been received over the past 3 years. He did not support the application as there were sensitive users in the vicinity of the site and environmental nuisance was expected;
- (d) One public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the use of the site for open storage was not in line with the planning intention of the “R(D)” zone and was a blight on the environment; the approval of the

application would set a bad precedent and induce further degradation of the rural environment;

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “Residential (Group D)” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
 - (ii) the open storage of plastic material under application was incompatible with the surrounding residential dwellings;
 - (iii) the application did not meet the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) since no previous approval for open storage had been granted for the site and there was no information in the submission to address the adverse comment from the Director of Environment Protection (DEP);
 - (iv) the site was the subject of three previous applications (No. A/YL-MP/82, 92 and 101) for temporary open storage uses rejected by the Committee. No similar application for temporary open storage in “R(D)” zone had been approved on the Ha Tsuen OZP. Approval of the application would set an undesirable precedent and encourage other similar applications for open storage uses within the subject and other “R(D)” zones on the Ha Tsuen OZP. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area; and
 - (v) there was also public comment objecting to the application mainly on environmental ground.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the environmental aspect and the development would generate adverse environmental impacts to the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/209 Renewal of Planning Approval for Temporary ‘Driving School and Ancillary Uses’ for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lot 1347 RP in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/209)

Presentation and Question Sessions

102. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘Driving School and Ancillary Uses’ under A/YL-NSW/185 for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:

- (i) the application sites were part of a larger area zoned “OU(CDWRA)”, which was intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Although the subject temporary private car park and container tractor/trailer park was not in line with the planning intention of “OU(CDWRA)”, there had been no development proposal received for residential development at the site nor any proposed residential development in the vicinity approved by the Committee. Temporary use of the sites could be considered in the interim;
- (ii) the application was to renew the planning permission under application No. A/YL-NSW/185. The applicant had complied with all planning conditions under the previous approval;
- (iii) the applied use was not incompatible with the surrounding uses in the area. No adverse traffic, drainage, ecological and visual impacts from the development was anticipated;
- (iv) there was no adverse comment from concerned government departments. The technical concerns of Chief Town Planner/Urban Design and Landscape of PlanD (CTP/UD&L, PlanD), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) could be addressed by imposing relevant approval conditions; and
- (v) Notwithstanding the above, there was a recent change in planning circumstances. The Area Assessments 2009 of Industrial Land in the Territory which recommended the rezoning of a strip of land at the edge of Tung Tau was endorsed by the Board on 17.9.2010. The strip of land was rezoned from “Other Specified Uses” annotated “Business” (“OU(B)”) to “R(E)1” on 18.3.2011 and one site within the “R(E)1” zone was currently under the Government’s land sale

programme. In view of the zoning intention of the site and its location within the WBA in proximity to the WCA as well as the above-mentioned rezoning, it was considered that the subject temporary driving school, which involved the operation of heavy vehicles should gradually be phased out to allow implementation of the “OU(CDWRA)” zone. However, as there was no concrete development proposal for the site at this stage and given that the future development at the proposed “R(E)1” sites was still uncertain, the proposed renewal period of 3 years could still be tolerated. However, the applicant should be advised that further renewal of the temporary driving school would need to take into account the prevalent circumstances at the time of renewal.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years sought, and be renewed from 6.9.2011 until up to 5.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no training of drivers of heavy vehicles or articulated vehicles was allowed outside the application site after 9:30 p.m. at night, as proposed by the applicant, during the approval period;
- (b) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (d) the existing fire service installations on the site should be maintained at all times during the planning approval period;

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

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

- (a) renewal of planning approval for a period of 3 years was granted in order to allow time for the applicant to relocate the current use on the site to other suitable locations. Favourable consideration might not be given by the Committee to any further renewal application. Further renewal of the applied use should take into account the prevalent circumstances at the time of renewal;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site situated on New Grant Agricultural Lot was restricted for fish pond purposes only, upon which no structure was allowed to be erected without prior approval from his Office. However, Short Term Waiver (STW) No. 1781 was granted in 1993 with an Agreement Supplementary to the same in 1999 to the lot owner for coverage of structures [with maximum built-over area of 1,485 m² and maximum building height of 4.8m (one storey)] erected on the lot for the purpose of an administration building and other facilities including workshop in connection with a driving school. His Office reserved the right to take appropriate action should any breach of the conditions of the STW be found;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing

authority; and

- (d) to note the comments of the Chief Building Surveyor/New Territories West of the Buildings Department that all works being carried out in accordance with the provisions of Part VII of the Building (Planning) Regulations Part VII and the satisfactory renewal of the relevant Temporary Building Permits No. NT16/98 and NT8/94 and the associated Temporary Occupation Permits No. NT21/98 (T.O.) and NT16/95 (T.O.).

Agenda Item 31 and 32

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/210 Renewal of Planning Approval for Temporary Private Car Park under Application No. A/YL-NSW/200 for a Period of 1 Year 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/210)

A/YL-NSW/211 Renewal of Planning Approval for Temporary Container Tractors/Trailers Park under Application No. A/YL-NSW/201 for a Period of 1 Year 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) in D.D. 115 and Adjoining Government Land, Chung Yip Road, Nam Sang Wai , Yuen Long
(RNTPC Paper No. A/YL-NSW/211)

Presentation and Question Sessions

106. The Committee noted that the two applications were similar in nature and the application sites were located next to each other within the same “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area (“OU(CDWRA)”) zone. The Committee agreed that the two applications could be

considered together.

107. Mr. Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the renewal of planning approval for temporary private car park under Application No. A/YL-NSW/200 (for A/YL-NSW/210) and temporary container tractor/trailer park under Application No. A/YL-NSW/201 (for A/YL-NSW/201) for a period of 1 year
- (c) departmental comments – concerned government departments had no objection to or adverse comment on Application No. A/YL-NSW/210). However, for Application No. A/YL-NSW/211, the Director of Environmental Protection (DEP) advised that no environmental complaint concerning the site were received in the past three years. However, in accordance with the ‘Code of Practice’ on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, he did not support the application as there were sensitive uses at Shan Pui Chung Hau Tsuen in the vicinity of the site and along the access road i.e. Chung Yip Road and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under applications could be tolerated for a period of one year based on the assessments made in paragraph 12 of the Paper which were summarised below:
 - (i) the application sites were part of a larger area zoned “OU(CDWRA)”, which was intended to provide incentive for the

restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Although the subject temporary private car park and container tractor/trailer park was not in line with the planning intention of “OU(CDWRA)”, there had been no development proposal received for residential development for the site nor any proposed residential development in the vicinity approved by the Committee, temporary use of the sites could be considered in the interim;

- (ii) the applications were to renew the planning permissions under application No. A/YL-NSW/200 and 201. The applicant had complied with all planning conditions under the previous approval;
- (iii) the developments were in line with the Town Planning Board Guidelines No 13E for ‘Application for Open Storage and Port Back-up Uses’ in that concerned government departments had no adverse comments on the application;
- (iv) the Director of Environmental Protection (DEP) did not support Application No. A/YL-NSW/211 as there were sensitive receivers in the vicinity of the site. However, no environmental complaints was received in the past 3 years. To mitigate any potential environmental impacts, approval condition restricting the operation hours was recommended. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental impacts on the surrounding areas; and
- (v) Notwithstanding the above, there was a recent change in planning circumstances. The Area Assessments 2009 of Industrial Land in the Territory which recommended the rezoning of a strip of land at the edge of Tung Tau was endorsed by the Board on 17.9.2010. The strip of land was rezoned from “Other Specified Uses” annotated

“Business” (“OU(B)”) to “R(E)1” on 18.3.2011 and one site within “R(E)1” zone was currently under the Government’s land sale programme. In view of the zoning intention of the site and its location within the WBA in proximity to the WCA as well as the above-mentioned rezoning, it was considered that the subject temporary private car park and container tractor/ trailer park should gradually be phased out to allow implementation of the “OU(CDWRA)” zone. However, as there was no concrete development proposal for the site at this stage and given that the future development at the proposed “R(E)1” sites was still uncertain, the proposed renewal period of 1 year could still be tolerated to allow the applicants to continue to identify suitable sites for relocation and to monitor the situation of the site.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the two applications A/YL-NSW/210 and A/YL-NSW/211 on a temporary basis for a period of 1 year, and be renewed from 22.8.2011 until 21.8.2012, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions for each of the two applications:

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, was allowed to be parked or stored on the site during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing trees planted should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2011;
- (i) the submission of a set of photos and plans indicating the access route between the site and the public road network within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner of Transport or of the TPB by 21.11.2011;
- (j) the submission of fire service installations (FSIs) proposal for the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2011;
- (k) in relation to planning condition (j) above, the provision of FSIs proposed for the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2012;

- (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 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.

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

- (a) an approval period of 1 year was granted so as to allow the applicant to continue to identify suitable sites for relocation and to monitor the situation of the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to resolve any issues relating to the use of Chung Yip Road which was managed and maintained by Hong Kong School of Motoring;
- (d) to note the comments of the Commissioner for Transport that the site was connected to public road network via a private lot/a local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of Chung Yip Road and any existing vehicular access connecting the site;
- (f) 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;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid causing disturbance to the pond to the north of the site;
- (h) to note the comments of the Director of Fire Services (D of FS) that should the applicant wish to apply for exemption from the provision of FSIs as prescribed by D of FS, the applicant was required to provide justification to his department for consideration. The applicant was reminded to note his other detailed comments as mentioned at Appendix V of the Paper;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the plan obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/ or his contractors should, prior to establishing any structure within the site, liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his consultant when carrying out works in the vicinity of the supply lines; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. An emergency vehicular access under Building (Planning) Regulations (B(P)R) 41D should be provided. Formal submission of any proposed new works (if any), including any temporary structure for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)R section 5 and 19(3) at building plan submission stage.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/266 Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use for a Period of 3 Years in “Open Storage” zone,
Lots 2781 RP, 2782 RP, 2783 RP, 2785 RP, 2786 RP, 2787 RP,
2788 RP, 2789, 2791, 2792, 2793 S.A, 2793 S.B, 2794, 2795,
2962 RP and 2963 RP in D.D. 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/266)

Presentation and Question Sessions

111. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this item as she had current business dealings with Landbase Surveyors Ltd., one of the consultants of the application. The Committee considered that as Ms. Kwong had no direct involvement in the subject application, Ms. Kwong could be allowed to stay in the meeting.

112. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary “Public Vehicle Park (including Container Vehicles) and Ancillary Tyre and Repairing Use” under Application No. A/YL-NTM/229 for a period of 3 years
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no environmental complaint concerning the site were received in the past three years. However, he did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public vehicle park (including container vehicles) and ancillary tyre and repairing use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Open Storage” zone which was predominantly occupied by open storage yards and vehicle repair workshops;
 - (ii) the application was to renew the planning permission under application No. A/YL-NTM/229. There had been no material change in planning circumstances since the previous approval for 3 years by the Committee in 2008. There had been no major new development or development proposal in the vicinity. The

applicant had complied with all planning conditions under the previous approval;

- (iii) the development was in line with the Town Planning Board Guidelines No 13E for 'Application for Open Storage and Port Back-up Uses' in that concerned government departments had no adverse comments on the application.
- (iv) the Director of Environment did not support the application as there were sensitive receivers in the vicinity of the site. However, no environmental complaints was received in the past 3 years. To mitigate any potential environmental impacts, approval condition restricting the operation hours was recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts on the surrounding areas; and
- (v) the Committee had approved 4 similar applications (No. A/YL-NTM/257,258, 260 and 262) for container vehicle parking use within the same "OS" zone in early 2011 based on similar considerations. Approval of the subject application was in line with the Committee's previous decisions.

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, from 20.9.2011 until 19.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) vacation of the site at the time of the Northern Link railway development;
- (b) 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;
- (c) in addition to (b) above, no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2012;
- (g) the submission of run-in proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 19.3.2012;
- (h) in relation to (g) above, the implementation of run-in proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 19.6.2012;
- (i) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2012;

- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.6.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d), or (e) 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
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the subject lots were Old Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval of the Government. Short Term Waiver (STW) No. 2796 was granted to Lots 2794 and 2963 RP permitting structures with a built-over area not exceeding 97.34 m² on Lot 2794 and 33.75 m² on Lot 2963 RP of uses ancillary to container trailer/tractor park with ancillary vehicle repairing workshop. Change of use of the site would cause a breach of the terms of the Letter of Approval. government land (GL) of about 800 m² had been included into the site of which no permission had been given for its occupation by his office. Vehicular access to the site abuts Kwu Tung Road via a short stretch of GL. His office provided no maintenance work for the GL and did not guarantee right-of-way. The lot owner would still need to apply to his office to

permit structures to be erected on lots not covered by the said STW or regularize any irregularities on site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among other the payment of premium or fee, as might be imposed by LandsD;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (d) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection (DEP) in order to minimise the possible environmental nuisance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that no public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of this RNTPC paper;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site was surrounded by mature trees and the applicant should avoid damaging the trees in the vicinity of the site during operation;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should not store materials or park vehicles within 1m of any tree to prevent damage to tree trunks according to the “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions

for Approved Applications for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”;

- (h) to note the comments of the Director of Fire Services that should the applicant wish to apply for exemption from the provision of fire service installations as prescribed by his department, the applicant was required to provide justifications to his department for consideration. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of this RNTPC paper; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found. Proposed offices and ancillary vehicles repairing workshop were considered as temporary buildings and were subject to control Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required.

[The Chairman thanked Mr. C.C. Lau, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lau, Fung and Yuen left the meeting at this point.]

Agenda Item 35

Any Other Business

116. There being no other business, the meeting closed at 5:10 p.m..