

TOWN PLANNING BOARD

Minutes of 449th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.9.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. W.K. Lo

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

Assistant Director (2), Home Affairs Department
Mr. Frankie W.P. Chou

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

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. Lawrence K.K. Ngo

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

Secretary

Absent with Apologies

Mr. Walter K.L. Chan (Vice-chairman)

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

Ms. Anita W.T. Ma

Mr. Timothy K.W. Ma

Dr. W.K. Yau

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. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 448th RNTPC Meeting held on 2.9.2011

[Open Meeting]

1. The draft minutes of the 448th RNTPC meeting held on 2.9.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Ms. Anita K.F. Lam left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/DPA/I-TOF/2 Proposed Filling of Land for Permitted Agricultural Use
in “Green Belt” zone,
Lot No. 495 in D.D.313, Leung Uk Tsuen, Tai O, Lantau Island
(RNTPC Paper No. A/DPA/I-TOF/2)

3. The Secretary reported that on 4.6.2010, the draft Tai O Fringe Development Permission Area (DPA) Plan No. DPA/I-TOF/1 was first published under section 5 of the Town Planning Ordinance. The subject application site fell within an area zoned “Green Belt” (“GB”) on the Tai O Fringe DPA Plan. During the exhibition period, which ended on 4.8.2010, nine representations were received. The “GB” zone in which the site was located

was the subject of five representations including Association for Tai O Environment and Development (ATOED), World Wide Fund for Nature Hong Kong (WWF), Mr. Yu Hon-kwan (Islands District Council member), Tai O Rural Committee (TORC) and the Concern Group for the Interest of Leung Uk Tsuen and San Tsuen Villagers (the Concern Group). They raised objection to the subject “GB” zone. ATOED and WWF proposed to rezone the subject “GB” zone to “Conservation Area” while the Islands District Council member, TORC and the Concern Group opposed the subject “GB” zone mainly because it would limit the opportunity of the villagers in building Small Houses. On 13.8.2010, the representations were published for three weeks for public comments. Two comments on the representations were received. On 3.12.2010, the Town Planning Board (TPB) gave consideration to the representations and comments on the representations on the draft DPA Plan, and decided not to amend the draft DPA Plan to meet the representations. The draft DPA Plan, together with the representations and comments on the representations, were subsequently submitted to the Chief Executive in Council (CE in C) for consideration. Planning Department recommended to defer making a decision on the subject application pending the CE in C’s final decision on the representations.

4. The Secretary stated that according to the TPB Guidelines No. 33 on ‘Deferment of Decisions on Representations, Comments, Further Representations and Applications’, 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 decided by the CE in C and the substance of the representations was relevant to the subject application. Since the five representations received were objections related to the “GB” zone, it was considered appropriate to defer the consideration of the application pending the CE in C’s final decision on the representations on the draft DPA Plan. Noting that the CE in C had approved the draft Tai O Fringe DPA Plan and the approved DPA Plan was gazetted on 23.9.2011, the application would be submitted to the Committee for consideration as soon as possible.

5. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department.

[Mr. Charles C.F. Yum and Mr. Wilfred C.H. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/52 Proposed Temporary Private Swimming Pool for a Period of 3 Years
in “Village Type Development” zone,
Lots 49 S.A ss.3 (Part) and 49 S.A RP (Part) in D.D.212,
Che Keng Tuk, Sai Kung
(RNTPC Paper No. A/SK-HH/52)

Presentation and Question Sessions

6. Mr. Charles 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 temporary private swimming pool for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received from a local resident during the first three weeks of the statutory publication period. The commenter expressed concern that the proposed development might affect his property; 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. The proposed swimming pool was a private recreational facility to be used by the residents of the existing village house in Lot 335 (adjacent to the site) and could be considered as a use ancillary to the village house. In view of its small scale, the proposed swimming pool would unlikely create any significant adverse impact on the surrounding environment and relevant

government departments had no objection to the application. Given the temporary nature of the swimming pool and noting that there was no imminent Small House development on the site, the long-term planning intention of the “Village Type Development” zone would not be jeopardized. With respect to the public comment received, there was no evidence to prove that the proposed swimming pool would affect his property.

7. Members had no question on the application.

Deliberation Session

8. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.9.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2012;
- (b) in relation to (a) above, the implementation 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 23.6.2012;
- (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; and
- (d) 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.

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

- (a) to apply to the District Lands Officer/Sai Kung for a short term waiver;
- (b) to note the following comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department:
 - (i) all the building works were subject to the Buildings Ordinance (BO);
 - (ii) Authorized Person had to be appointed to coordinate all building works;
 - (iii) the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
 - (iv) the proposed filtration plant room and underground surge tank for the private swimming pool should be accountable for gross floor area/site coverage calculations under the BO; and
 - (v) detailed comments would be given during the building plan submission stage;
- (c) to note the comments of the Commissioner for Transport that there was a vehicular track leading to the subject 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;
- (d) 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;
- (e) to note the following comments of the Chief Engineer/Development (2),

Water Supplies Department (WSD) :

- (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 WSD's standard;
 - (ii) the water mains in the vicinity of the application site could not provide the standard pedestal hydrant; and
 - (iii) the application site fell within the consultation zone of Pak Kong Water Treatment Works, which was a Potentially Hazardous Installation; and
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant was advised to include landscape measures to mitigate any adverse landscape impact arising from the proposed development.

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/86-3 Proposed Comprehensive Commercial and Residential Development with Eating Place, Educational Institution, Flat, Government Use (not elsewhere specified), Off-course Betting Centre, Office, Place of Entertainment, Place of Recreation, Sports or Culture, Private Club, Public Transport Terminus or Station, Public Utility Installation, Religious Institution, School, Shop and Services, Social Welfare Facility, and Utility Installation for Private Project, and Minor Relaxation of Maximum Non-domestic Gross Floor Area (Proposed Class B Amendments to Approved Scheme) in “Comprehensive Development Area” zone, Area 86, Tseung Kwan O
(RNTPC Paper No. A/TKO/86-3)

10. The Secretary said that the application was submitted by Mass Transit Railway Corporation Ltd. (MTRCL). Mr. T.K. Choi, being an assistant to the Commissioner for Transport who was a non-executive Director of MTRCL, had declared an interest on this item. The Committee agreed that Mr. Choi’s interest was direct and he should leave the meeting temporarily for the item.

[Mr. T.K. Choi left the meeting temporarily and Mr. Frankie W.P. Chou arrived to join the meeting at this point.]

Presentation and Question Sessions

11. Mr. Wilfred C.H. Cheng, 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 – the applicant sought Class B amendments to the approved Master Layout Plan for a proposed comprehensive commercial and residential development in Area 86, Tseung Kwan O

which was approved with conditions by the TPB on 19.3.2010 under Application No. A/TKO/86 (the approved scheme). The proposed amendments involved the deletion of social welfare facilities of the proposed day nursery, social centre for the elderly and neighbourhood elderly centre, initiated by the Social Welfare Department (SWD), to be replaced by centre for community care and support services for the elderly, supported hostel for physically or mentally handicapped persons and early education and training centre, and the change of two proposed kindergartens to kindergartens/kindergartens cum child care centres;

- (b) the proposed comprehensive commercial and residential development with eating place, educational institution, flat, Government use (not elsewhere specified), off-course betting centre, office, place of entertainment, place of recreation, sports or culture, private club, public transport terminus or station, public utility installation, religious institutions, school, shop and services, social welfare facility, and utility installation for private project, and minor relaxation of maximum non-domestic gross floor area (proposed Class B amendments to the approved scheme);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no local objection/view was received by the District Officer (Sai Kung);
and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for Class B amendments based on the assessment made in paragraph 10 of the Paper. The application involved technical amendments related to the deletion of previously proposed social welfare facilities and replacement by new facilities as requested by SWD to meet the prevailing welfare policy, the change of two proposed kindergartens to kindergartens/kindergartens cum child care centres which was in line with the Education Bureau's policy on the harmonization of kindergartens, and the amendments approved under s.16A Applications No. A/TKO/86-1 and

A/TKO/86-2. As compared with the approved schemes, there was no change in the current application in the major development parameters. The Director of Social Welfare noted that his requirements for the social welfare facilities to meet the prevailing welfare policy and change in services demand had been incorporated in the current application. The Secretary for Education considered that the proposed inclusion of child care centres in the two planned kindergartens would help provide more comprehensive care and education services to all pre-primary children in the locality. The currently proposed amendments, except the deletion and replacement of GIC facilities, were considered minor in nature. Concerned government departments had no adverse comments on or no objection to the application.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) and development schedule to take into account the approval conditions (b) to (ad) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of environmental mitigation measures within the application site, including but not limited to noise, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision and maintenance of the noise mitigation measures identified in the report on the feasibility of applying low noise road surfacing at Wan

Po Road approved by the Director of Highways on 28.7.2006 or any other alternative measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the submission and implementation of an environmental monitoring and audit programme to ensure protection of the future residents in Area 86 from the potential industrial noise impact from the Tseung Kwan O Industrial Estate, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission and implementation of a monitoring programme and contingency plan for dealing with potential landfill gas and leachate migration to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the design and provision of emergency vehicular access, fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the submission of an updated Traffic Impact Assessment and implementation and completion of the junction improvement works proposed therein prior to the population intake of Stage 2 of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the detailed design and provision of vehicular accesses arrangement to the application site and internal roads and roadside loading/unloading facilities within the application site to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of decking of internal roads within the application site to the satisfaction of the Director of Environmental Protection or of the TPB;

- (k) the design, construction and timing on the operationalization of the temporary and permanent combined public transport interchanges to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of vehicle parking spaces and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the design and provision of a cycle track and cycle parking system serving the development to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the submission of a detailed assessment on the adequacy of pedestrian circulation facilities at the junction of Wan Po Road and Shek Kok Road and provisions of improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the design and provision of a covered pedestrian walkway system within the application site and a footbridge across LOHAS Park Road (previously known as Road D10 or Road L861), as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (p) the design and provision of structural support and connections for one footbridge across Road D9 and for two possible footbridges across Wan Po Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (q) the submission of a revised visual impact assessment study for the MLP and implementation of the mitigation measures identified therein to the satisfaction of the Director of Planning or of the TPB;
- (r) the design and provision of terraced podia for Package 1 and Package 2 within Stage 1 of the proposed development to the satisfaction of the Director of Planning or of the TPB;

- (s) the design and provision of drainage and sewage disposal facilities including drainage and sewerage reserves to the satisfaction of the Director of Drainage Services or of the TPB;
- (t) the designation of water main reserves within the application site to the satisfaction of the Director of Water Supplies or of the TPB;
- (u) the design and provision of a minimum of 2.3 hectares of district open space and 7.07 hectares of local open space to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (v) the design, provision, maintenance and management of a 3m green strip between the southern boundary of the application site and Road D9 as proposed by the applicant to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (w) the design and provision of refuse collection points to the satisfaction of the Director of Food and Environmental Hygiene or of the TPB;
- (x) the provision of a site for an indoor recreation centre to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (y) the design and provision of kindergartens/kindergartens cum child care centres, as proposed by the applicant to the satisfaction of the Secretary for Education or of the TPB;
- (z) the design and provision of three primary schools and two secondary schools to the satisfaction of the Secretary for Education or of the TPB;
- (aa) the design and provision of an integrated team of children and youth services centre, centre for community care and support services for the elderly, supported hostel for physically or mentally handicapped persons and early education and training centre and residential care home for the elderly to the satisfaction of the Director of Social Welfare or of the TPB;

- (ab) the design and provision of a community hall to the satisfaction of the Director of Home Affairs or of the TPB;
- (ac) the design and provision of a police facility room to the satisfaction of the Commissioner of Police or of the TPB; and
- (ad) the submission and implementation of a staged development programme of the proposed development based on a comprehensive traffic impact assessment to the satisfaction of the Director of Planning or of the TPB.

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

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry (LR) in accordance with section 4A(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in LR as soon as practicable;
- (b) to liaise with the Project Manager/New Territories East, Civil Engineering and Development Department (PM/NTE, CEDD) and the Chief Estate Surveyor/Railway Development, Lands Department (CES/RD, LandsD) to incorporate a clause in the land grant conditions on the provision of noise mitigation measures at the southern boundary of the application site, as proposed by the applicant, to tie in with the construction of Road D9;
- (c) to liaise with the Director of Leisure and Cultural Services, PM/NTE, CEDD and CES/RD, LandsD to work out the details related to the implementation, maintenance and management of the 10m green strip between the southern boundary of the application site and Road D9, as proposed by the applicant;
- (d) to follow the requirements as stipulated in Practice Notes for Authorized Person No. 165 and Environment, Transport and Works Bureau Technical

Circular for submission of engineering works as part of the site fell within the Strategic Sewage Disposal Scheme Tunnel Protection Area;

- (e) to phase the construction of Stage 3 development to maintain the operation of the temporary public transport interchange until completion of the permanent public transport interchange;
- (f) that the proposal of the master water meter room at the southeastern portion of the application site and plumbing works should be submitted to the Director of Water Supplies (DWS) for approval prior to the construction of the proposed plumbing works;
- (g) to apply to the Director of Lands for necessary lease modification and/or short-term waiver;
- (h) to liaise with PM/NTE, CEDD and the Chief Highway Engineer/New Territories East, Highways Department on the cost issues related to the combined public transport interchange;
- (i) to liaise with DWS and ensure that the Tseung Kwan O Seafront Salt Water Pumping Station, its access and its associated installations would not be affected;
- (j) that the approval of the application did not imply that necessary approvals would be given by any government department. The applicant should approach the relevant government departments direct for any necessary approvals;
- (k) to resolve any land issue relating to the development with other concerned owners of the application site;
- (l) for provision of water supply to the development, the applicant might need to extend their 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 Water Supplies Department's standards;

- (m) to review regularly whether the provision of kindergarten would be able to serve the projected population; and
- (n) to note that the approval of the application did not imply that the proposed building design elements to fulfil the Sustainable Building Design Guidelines and the proposed gross floor area (GFA) concession for the development would be granted by the Building Authority (BA). 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 BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required.

[The Chairman thanked Mr. Charles C.F. Yum and Mr. Wilfred C.H. Cheng, STPs/SKIs, for their attendance to answer Members' enquires. Messrs. Yum and Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

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

15. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd (SHK). Mr. Y.K. Cheng had declared an interest in this item as he had current business dealings with SHK. Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip, having current business dealings with Environ Hong Kong Ltd, which was one of the consultants for the application, had also declared interests in this item. The Committee noted that both Mr. Cheng and Mr. Yip had tendered apologies for being unable to attend the meeting. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

16. The Secretary reported that the applicant had informed the TPB Secretariat before the meeting that no representative from the applicant would attend the hearing. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Doris S.Y. Ting, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), of the Planning Department (PlanD), were invited to the meeting at this point.

17. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Doris S.Y. Ting, STP/STN, to brief Members on the background of the

application. Ms. Doris S.Y. Ting did so as detailed in the Paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to rezone the application site, with an area of about 19,400m², from “Agriculture” (“AGR”) to “Other Specified Use” annotated “Rural Use” (“OU(RU)”) or “Comprehensive Development Area” (“CDA”) on the approved Kwu Tung South OZP No. S/NE-KTS/12 to facilitate a proposed residential development of 34 three-storey (including car park) houses with ancillary recreational facilities;
- (b) in support of the rezoning application, the applicant had submitted supplementary planning statement and other technical assessments including Traffic Impact Assessment, Landscape Proposal and Tree Assessment, Drainage Impact Assessment, Sewerage Impact Assessment, Water Supply Assessment, Environmental Assessment, Visual Impact Assessment and Ecological Assessment as well as an initial land use review of the “AGR” zone and “Recreation” zone in the vicinity of the application site;
- (c) based on the result of a land use review of the “AGR” zone in the Kwu Tung South area by PlanD in 2006, the northern part of the area was considered suitable for low-density type residential development subject to resolving the various technical issues properly, while the southern part of the area should remain the zoning of “AGR”;
- (d) the departmental comments were summarised as follows :
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the application from the nature conservation point of view but did not support the application from agricultural point of view as the site was of high potential for agricultural rehabilitation;
 - (ii) the Director of Environmental Protection (DEP) had no adverse comment on the proposal to rezone the site to “CDA” but had

reservation on the proposed rezoning to “OU(RU)” zoning as there were noise sensitive activities under Column 1 uses for the proposed “OU(RU)” zoning that had not been assessed in the submission; and

- (iii) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on the application from the landscape perspective mainly because there was distinctive landscape characters and resources that were likely to be affected by the proposed development but a landscape impact assessment had not been submitted, there was insufficient landscape buffer and landscape treatment for the proposed noise barriers, and the proposed compensatory planting outside the application site boundary could not be enforced;

- (e) the application was first published for public inspection on 21.2.2009. Further information on the application were submitted and published for public inspection. On 18.10.2010, the applicant submitted a Consolidated Report to supersede all earlier submissions made before 13.10.2010. The public comments received during the first three weeks of the statutory publication periods of the application and the further information to the application were summarised below :
 - (i) during the first three weeks of the statutory publication period of the Consolidated Report, which ended on 19.11.2010, five public comments were received from two North District Council (NDC) members, Designing Hong Kong Ltd (DHKL), World Wide Fund for Nature Hong Kong (WWF) and the Conservancy Association (CA). While one of the NDC members indicated no comment on the application and requested the concerned departments to consult the nearby residents, the other NDC member and DHKL objected to the application mainly on traffic, ecological, sewerage and conservation grounds. With respect to WWF and CA, they had similar concerns on the potential ecological impacts to the surrounding environment, and opined that the application might set

an undesirable precedent, and the application site might be subject to unauthorized development; and

- (ii) during the first three weeks of the second statutory publication period, which ended on 29.7.2011, four public comments were received from the same NDC members, DHKL and Hong Kong Bird Watching Society (HKBWS). While one NDC member indicated no comment on the application, the other NDC member, DHKL and HKBWS objected to the application mainly on traffic, environmental, ecological, agricultural and conservation grounds, and concerned that approval of the application might set an undesirable precedent for similar applications;

- (f) the District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee had no comment on the application. The concerned NDC member, Indigenous Representatives and Residents Representative (RR) of Hang Tau and RR of Kwu Tung (South) raised objection to the application for reasons that the proposed development might result in adverse environmental, traffic and sewerage impacts, and the rezoning proposal would reduce the area available for Small Houses development; and

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to rezone the application site from “AGR” to “CDA” and did not support to rezone the application site from “AGR” to “OU(RU)” based on the assessment made in paragraph 12 of the Paper which was summarised as follows :
 - (i) the proposed residential development at the site was considered not incompatible with the surrounding land uses and the development parameters proposed by the applicant were similar to the residential developments in the surrounding area;

 - (ii) taken into account the result of the land use review by PlanD in 2006

that the northern part of Kwu Tung South area could be developed for low-rise, low-density residential development to meet housing land supply and to increase housing production, and with the proximity to the proposed Kwu Tung North New Development Area across Fanling Highway, it was considered that there was potential for the site to be rezoned to low-rise and low-density residential uses, subject to resolving the various technical issues properly;

- (iii) concerned government departments, including the Commissioner for Transport, District Lands Officer/North, Chief Highway Engineer/New Territories East of Highways Department, Chief Engineer/Mainland North of Drainage Services Department, DEP and Chief Engineer/Development (2) of Water Supplies Department, had no adverse comment on or no objection to the rezoning application. The technical issues or concerns raised by relevant departments could be addressed by incorporation of relevant approval conditions at the section 16 planning application stage;
- (iv) given the site was unsewered, close to major roads and was in close proximity to the planting area and abandoned meander of Sheung Yue River, it was considered more appropriate to rezone the site to “CDA” zone rather than to “OU(RU)” zone as the former would provide a means to achieve a comprehensive and integrated development, and the “CDA” zone which required the submission and approval of a Master Layout Plan (MLP), Landscape Master Plan and other technical assessments for the site as a whole would allow the TPB to maintain adequate planning control over the overall design, building and disposition of the planned residential development in a coordinated manner, and minimize the potential impacts caused by the proposed development on the surroundings; and
- (v) regarding the objections from the locals and public commenters on ecological, agricultural, conservation, traffic, environmental and

sewerage grounds, the applicant had submitted technical assessments to broadly demonstrate that the proposed development would not have adverse impacts on the surroundings. Concerned departments had no adverse comment on or no objection to the application. Further assessments in detail on the proposed scheme could be made in the planning application and MLP submission stage. With respect to the concerns raised by some commenters that the application site might be subject to unauthorized development, it was noted that the site was not under active enforcement action.

18. As there were no questions from Members, the Chairman informed PlanD's representatives 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 PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

19. After deliberation, the Committee decided to agree to the subject application to rezone the application site from "Agriculture" to "Comprehensive Development Area". The Chief Executive in Council would be requested to refer the approved Kwu Tung South OZP No. S/NE-KTS/12 to the Town Planning Board for amendment and the proposed amendment to the OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

20. The Committee also decided not to agree to rezone the application site from "Agriculture" to "Other Specified Uses" annotated "Rural Uses". Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed "Other Specified Uses" annotated "Rural Uses" ("OU(RU)") zoning was considered not appropriate for the application site, which was subject to traffic, environmental and infrastructural constraints and close to area of ecological importance, as there was no effective mechanism to

ensure that the future development on the site would be developed in a comprehensive and integrated manner; and

- (b) the current application had not demonstrated the environmental acceptability of all uses allowable under Column 1 of the proposed “OU(RU)” zoning.

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Doris S.Y. Ting, Senior Town Planners/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/205 Proposed Dangerous Goods Godown (Storage of Refrigerant)
in “Industrial” zone,
Portion of Workshop Unit, G/F, On Hing Industrial Centre,
18 On Kui Street (FSSTL No. 59), On Lok Tsuen, Fanling
(RNTPC Paper No. A/FSS/205A)

21. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Ltd and Arthur Yung and Associates Co. Ltd, which were the consultants for the applicant. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

22. Ms. Doris S.Y. Ting, STP/STN, said that replacement page 8 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed dangerous goods (DG) godown (storage of refrigerant);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) four public comments from one North District Council (NDC) member, the Incorporated Owners of On Hing Industrial Centre, Hop On Management Co. Ltd (the management agent of On Hing Industrial Centre) and an individual owner of a workshop unit of On Hing Industrial Centre were received during the first three weeks of the statutory publication period. While the NDC member had no specific comment but considered that the proposed DG godown might have possible impacts on the local residents and wider public consultation should be conducted, the other three commenters objected to the application from safety and health concern, and worried that the property value of the subject building might be affected. The District Officer (North) advised that the Chairman of Owners' Committee of On Hing Industrial Centre and Fanling Industrial Centre raised objection to the application while the Chairman of N.T. North District Manufacturers Association of Hong Kong and the concerned NDC member had no comment on the application; 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. The proposed DG godown was small in scale, located on the G/F of an industrial building and there would be low frequency of transportation in the proposed DG godown. It was not incompatible with the industrial uses within the same building and other industrial uses in the surrounding area. Despite there were objections mainly on health and safety concerns, relevant government departments, including the Director of Fire Services (D of FS), Director of Electrical and Mechanical Services and Director of Environmental Protection had no objection to or no adverse comment on

the application. To address the local concern, relevant approval condition regarding the provision of fire service installations was recommended. Besides, the storage of DG would need to comply with the provision of the DG Ordinance administered by D of FS.

23. Members had no question on the application.

Deliberation Session

24. 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 23.9.2015, 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 fire service installations and water supplies for fire-fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2012;
- (b) in relation to (a) above, the implementation of fire service installations and water supplies for fire-fighting proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2012; 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.

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

- (a) to note the comments of the District Lands Officer/North that the Grantee of the lot should comply with all lawful requirements of the Director of Fire Services (D of FS) made under the Dangerous Goods Ordinance, any

regulations made thereunder and any amendments thereto;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that submission of building plans to the BD for approval was required under the Buildings Ordinance; and
- (c) to note the comments of D of FS that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans or referral from licensing authority.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/147 Proposed Temporary Open Storage of Environmental Plastic Materials with Rural Workshop (Separation and Packing of Environmental Plastic Materials) for a Period of 3 Years in “Green Belt” zone, Lots 898 (Part), 899 (Part), 900 (Part) and 901 (Part) in D.D. 96 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/147)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of environmental plastic materials with rural workshop (separation and packing of environmental plastic materials) for a period of three years;

- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as there was no information on the vehicular access arrangement, parking/loading/unloading/manoeuvring arrangement within the site. The Director of Environmental Protection (DEP) had reservation on the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed open storage use was incompatible with the surrounding site context and there was no tree preservation and landscape proposal submitted;

- (d) three public comments were received from two North District Council (NDC) members and Designing Hong Kong Ltd (DHKL) during the first three weeks of statutory publication period. While one NDC member indicated no comment on the application, the other NDC member and DHKL objected to the application in considering that the proposed use was a blight on the environment and was not in line with the planning intention of the “Green Belt” (“GB”) zone, and suggested that a condition requiring a plan for quality landscaping and well-designed fencing and greening should be imposed. The District Officer (North) advised that the Residents Representative of Ma Tso Lung (South) had no comment on the application while the concerned NDC member and the Chairman of Sheung Shui District Rural Committee objected to the application on the grounds of land use incompatibility, and adverse traffic and environmental impacts on the surroundings; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 12 of the Paper. The proposed temporary open storage use was not in line with the planning intention of the “GB” zone and there was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No. 10 in that the proposed development would cause adverse impacts on the surrounding area and there was no strong planning grounds to justify

the proposed development. The proposed temporary open storage with rural workshop use was also incompatible with the surrounding rural area. The application did not comply with the TPB Guidelines No. 13E in that applications with sites falling within Category 4 areas would normally be rejected and there were no exceptional circumstances to justify the development; the applicant had failed to demonstrate that the proposed development would not cause adverse impacts on the surrounding areas there were adverse departmental comments from C for T, DEP and CTP/UD&L of PlanD, and local objections against the application. Although there were three similar applications for open storage use in the "GB" zone in the vicinity of the application site, none was approved by the Committee. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "GB" zone. Besides, there were public comments and local objections against the application mainly on traffic and environmental grounds, and land use incompatibility.

27. By referring to the aerial photo taken in August 2010 shown on Plan A-3 of the Paper, a Member said that some vegetation on the site seemed to have been cleared. This Member asked if the application would be considered as a 'destroy first and build later' case. In response, Ms. Doris S.Y. Ting stated that the application site was previously subject to planning enforcement action for its unauthorized storage and workshop uses. Enforcement Notice was issued to the landowners on 29.12.2010 by the Planning Authority. In a recent site visit, it was found that the concerned unauthorized uses had been discontinued and Compliance Notice was issued to the concerned landowners on 16.8.2011.

28. The same Member noted that the site was hard paved and asked if it would be reinstated with vegetation since it was zoned "GB" on the OZP. Ms. Doris S.Y. Ting replied that she had no information in hand as to whether the landowners had been requested by the Planning Authority to reinstate the subject site to its previous conditions. Nevertheless, that Member agreed that this should not affect the Committee's decision on the application.

Deliberation Session

29. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone in the Kwu Tung North area which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board (TPB) Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would cause adverse traffic, environmental and landscape impacts on the surrounding areas and there was no exceptional circumstances and no strong planning grounds to justify the proposed development;
- (c) the application did not comply with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that the application site fell within Category 4 area and there was no exceptional circumstances to justify the development; the applicant had failed to demonstrate that the proposed development would not cause adverse traffic, environmental and landscape impacts on the surrounding areas; and there were adverse departmental comments, and local objections against the application; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The

cumulative effect of approving such applications would result in adverse traffic, environmental and landscape impacts on the surrounding areas.

[Mr. Frankie W.P. Chou left the meeting temporarily and Mr. T.K. Choi returned to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/313A)

Presentation and Question Sessions

30. Ms. Doris S.Y. Ting, STP/STN, said that subsequent to the issue of the RNTPC Paper No. A/NE-KTS/313A, the applicant submitted on 19.9.2011 further information containing photos of the proposed access road, clarifications on the average number of trips, the number of on-site parking spaces, and information on the condition of man-made slope within the site. A Supplementary Paper covering the further information together with relevant departments’ comments was sent to Members on 22.9.2011 and tabled at the meeting. Ms. Ting then presented the application and covered the following aspects as detailed in the Paper and the Supplementary Paper :

- (a) background to the application;
- (b) the proposed residential institution (home for the elderly);
- (c) departmental comments – the Commissioner for Transport (C for T) did not support the application as the parking/loading/unloading/manoeuvring

arrangement within the site was still outstanding. The swept path analysis was not satisfactory. The Director of Environmental Protection (DEP) commented that the site was not suitable for elderly home use as there were a number of industrial activities in close proximity to the site, and the site was not served by public sewerage system. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) objected to the application as the proposed development was located below steep natural hillside, and a Natural Terrain Hazard Study (NTHS) was required. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site was zoned “Green Belt” (“GB”) but there was no information to demonstrate that the proposed development would not cause adverse impact on the surrounding area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed elderly home use was not in line with the planning intention of the “GB” zone and was not compatible with the surrounding environment;

[Ms. Anna S.Y. Kwong and Mr. Lawrence K.K. Ngo left the meeting temporarily at this point.]

- (d) three public comments were received from two North District Council (NDC) members and Designing Hong Kong Ltd (DHKL) during the first three weeks of the statutory publication period. While one NDC member had no comment on the application, the other NDC member and DHKL objected to the application mainly on land use incompatibility, traffic and environmental grounds. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee had no comment on the application while the concerned NDC member and Residents Representative of Ying Pun raised objections to the application as they considered that the proposed development might bring about public order problem and cause adverse traffic and environmental impacts on the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD requested that the

application be deferred for two months pending the investigation of suspected unauthorized development on the site based on the assessment made in paragraph 12.1 of the Paper. The application site was covered with mature trees and vegetation at the fringe of a large woodland buffer. Site photos in 2011 revealed that the trees and vegetation within the application site had been cleared except a few mature trees of common species along the southern boundary of the site and there were some preliminary site formation and slope cutting on site. Based on the TPB's consideration of the TPB Paper No. 8843 on 24.6.2011 (Proposed Measures against the "Destroy First and Build Later" Approach), the TPB had agreed that any deliberate action to change the rural and natural environment in the hope that the TPB would give sympathetic consideration to subsequent development was not to be encouraged and that a decision on a planning application could be deferred in order to investigate the case. To allow more time for investigation to collect more information on the recent site formation/clearance works undertaken on the application site, it was recommended that a decision on the application should be deferred to ascertain whether any unauthorized development was involved that might constitute an abuse of the planning application process so as to determine whether the application might be rejected for such reason.

31. Taking into account the background of the application, the adverse departmental comments received and the planning assessment in the Paper, a Member asked if it was necessary for the Committee to defer consideration of the application to allow time for investigation on the site formation/clearance works. Ms. Doris S.Y. Ting said that given the suspected incident of "destroy first and build later" at the site, the Committee was invited to consider if it was appropriate to defer decision on the application pending investigation on the case. The same Member was of the view that the Committee could proceed with consideration of the application if Members did not support the application. In parallel, the Planning Authority could proceed with the necessary enforcement action separately. The view was shared by other Members.

32. Upon the invitation of the Chairman, Ms. Doris S.Y. Ting continued to present

PlanD's assessment on the application. Ms. Ting said that PlanD did not support the application based on the assessment made in paragraph 12 of the Paper and paragraph 3 of the Supplementary Paper, which were summarized as follows :

- (i) the proposed development was not in line with the planning intention of the "GB" zone and the application did not comply with the TPB Guidelines No. 10 in that there was no strong planning grounds to justify the proposed development; the proposed development was not compatible with the surrounding area and was susceptible to adverse environmental effects from pollution sources and no mitigation measures had been provided in the submission; and the proposed development might overstrain the capacity of the existing road and cause adverse landscape and visual impacts on the surrounding environment;
- (ii) the applicant had failed to demonstrate that the proposed development would not cause adverse impacts on the surrounding area. While DEP advised that the application site would likely be subject to industrial emissions from the industrial activities nearby and the site was not suitable for elderly home use, C for T did not support the application as the parking/loading/unloading/manoeuvring arrangement within the site was still outstanding. CTP/UD&L of PlanD objected to the application as significant adverse impact on the existing landscape of the site would be resulted from the proposed development. H(GEO) of CEDD did not support the application as no NTHS or Geotechnical Planning Review Report for assessing the geotechnical feasibility of the proposed development had been submitted. DAFC also had reservation on the application as it would cause disturbance impacts on the adjacent watercourse and the associated fauna species;
- (iii) there was no similar application for residential institution within the same "GB" zone in the vicinity of the application site. The approval of the application would set an undesirable precedent for

similar applications within the “GB” zone; and

- (iv) there were public comments and local objections against the application mainly on land use incompatibility, traffic and environmental grounds.

33. Members had no further question on the application.

Deliberation Session

34. The Chairman said that if the Committee considered that there were no planning merits to justify the approval of the application, there was no need to defer consideration of the application to allow time for investigation and the Committee could reject the application at the meeting. In parallel, the Planning Authority would investigate into the site formation/clearance works on the site and take enforcement action as appropriate.

35. The view was shared by another Member who considered that deferring the case for two months might give a false hope to the applicant that approval might be granted by the Committee.

36. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.3 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt

Zone under Section 16 of the Town Planning Ordinance' in that there was no exceptional circumstances and no strong planning grounds to justify the proposed development; the proposed development was considered not compatible with the surrounding area and was susceptible to adverse environmental effects from pollution sources; and the proposed development might overstrain the capacity of the existing road and cause adverse landscape and visual impacts on the surrounding environment;

- (c) the applicant had failed to demonstrate that the proposed development would not be susceptible to adverse environmental effects from pollution sources and had not proposed any mitigation measures to minimize adverse environmental impacts on the proposed development;
- (d) the applicant had failed to demonstrate that the proposed development would not generate adverse landscape, visual and ecological impacts on the surrounding areas, nor the proposed development was sustainable in traffic and geotechnical terms; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such similar applications would result in adverse traffic, landscape, visual, ecological and geotechnical impacts on the surrounding areas.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/370 Proposed Two Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” and “Green Belt” zones,
Lots 980 S.A and 980 RP in D.D. 84, Sheung Shan Kai Wat Village,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/370)

Presentation and Question Sessions

37. 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 two houses (New Territories Exempted House (NTEH) – Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed Small Houses might affect the landscape quality of the area and the intactness of the “Green Belt” (“GB”) zone would be undermined;
- (d) two public comments were received from a North District Council (NDC) member and Designing Hong Kong Ltd (DHKL) during the first three weeks of the statutory publication period. While the NDC member supported the application as it was good for the villagers, DHKL objected to the application as the proposed Small Houses was not in line with the

planning intention of the “GB” zone, incompatible with the surrounding land uses, and there was a lack of a sustainable village layout for the area. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee and Indigenous Inhabitant Representative of Sheung Shan Kwai Wat supported the application for the reason that development of the Small Houses could improve the living environment of their villagers while the Residents’ Representative of Sheung Shan Kai Wat had no comment on it; and

(e) the Planning Department (PlanD)’s views – PlanD had no objection to the proposed Small House at Lot 980 RP in D.D. 84 in the “Agriculture” (“AGR”) zone but did not support the proposed Small House at Lot 980 S.A in D.D. 84 which was partly within the “GB” zone based on the assessment made in paragraph 12 of the Paper which was summarized as follows :

(i) according to the latest estimate by PlanD, the land available in the “Village Type Development” (“V”) zone of Sheung Shan Kai Wat Village could not fully meet the future Small House demand and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of this village;

Proposed Small House at Lot 980 R.P. in D.D. 84

(ii) the proposed Small House at Lot 980 R.P. was not in line with the planning intention of the “AGR” zone and DAFC did not support the application. However, noting that this portion of the application site was at the fringe of the “AGR” zone and was physically separated from other parts of the “AGR” zone by a large paved area, it was considered that the Small House development at this location was not incompatible with the surrounding area and would not adversely affect the realisation of the planning intention of the “AGR” zone;

- (iii) although CTP/UD&L of PlanD advised that there was an existing tree at the south-western part of the site, it was considered that the site was sufficiently large for the applicant to revise the disposition or footprint of the proposed Small house to avoid affecting the tree. In this regard, an approval condition requiring the applicant to submit and implement landscape and tree preservation proposal so as to address CTP/UD&L of PlanD's concern was stipulated;
- (iv) in view of the above and noting that the proposed Small House development was located close to the village proper, it generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria), and sympathetic consideration could be given to the Small House at this portion of the application site; and
- (v) with respect to the public comment from DHKL, it was considered that the proposed development would not have significant adverse impacts on the surrounding area and concerned government departments had no adverse comment on the application.

Proposed Small House at Lot 980 S.A in D.D. 84

- (vi) the footprint of proposed Small House at Lot 980 S.A was not in line with the planning intention of the "GB" and "AGR" zones. No strong justification had been submitted in the application for a departure from the planning intention;
- (vii) the site formed an integral part of the "GB" zone which was largely undisturbed. There was an existing tree at the north-western part of the site and the site was surrounded by groups of trees to the north. In this regard, the proposed Small House at this portion of the site did not comply with the TPB Guidelines No. 10 in that the proposed development might affect the existing natural vegetation and would adversely affect the landscape quality of the area;

- (viii) notwithstanding the footprint of the proposed Small House fell entirely within the 'VE' of Sheung Shan Kai Wat Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone, the proposed Small House did not comply with the Interim Criteria in that it would cause adverse landscape impact on the surrounding area; and
- (ix) the approval of the proposed Small House might set an undesirable precedent of spreading village development and encouraging removal of mature trees within the "GB" zone. The landscape quality of the area would deteriorate and the intactness of "GB" zone would be affected.

38. Upon the enquiry of a Member, Ms. Doris S.Y. Ting, by referring to Plan A-2 of the Paper, explained that the application site fell partly within an area zoned "AGR" (about 60%) and the northern part (about 40%) was zoned "GB". The temporary structures located to the east of the application site were within the "AGR" zone and there was existing agricultural land to the west of the application site, which was zoned "V" and separated from the application site by an existing village track in-between.

[Ms. Anna S.Y. Kwong and Mr. Lawrence K.K. Ngo returned to join the meeting at this point.]

Deliberation Session

39. A Member said that although one of the two lots involved in the application fell within the "GB" zone, it was located at the boundary next to the "AGR" zone and the site characteristics of the two lots were very similar. Both of them fell entirely within the 'VE' of Sheung Shan Kai Wat Village and the proposed Small Houses were not incompatible with the surrounding land uses which were mainly rural in nature. Noting that there was insufficient land available to meet future Small House demand within the "V" zone in Sheung Shan Kai Wat Village, this Member considered that sympathetic consideration might be given to the proposed Small House at Lot 980 S.A in D.D. 84 which fell partly within the

“GB” zone. The view was shared by another Member.

40. A Member, while having no objection to approve the Small House at Lot 980 S.A, enquired how such application which involved Small House proposal with a portion of the site falling within the “GB” zone should be considered. In response, the Secretary said that in considering Small House application that fell within “GB” zone, the main concern was whether the proposed Small House fell within the ‘VE’, and whether there was sufficient land to meet the Small House demand in the “V” zone of the respective village. In general, if the proposed Small House fell within the ‘VE’ and there was insufficient land in the “V” zone for Small House development, the application could be approved if the proposal would not cause adverse landscape impact. With respect to the proposed Small House at Lot 980 S.A, PlanD had adopted a cautious approach in assessing whether the application should be approved. She said that the Committee might consider whether the Small House at Lot 980 S.A could be approved given that no tree felling would be involved.

41. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.9.2015, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the proposed site was adjacent to an existing natural watercourse, and Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the proposed development;

- (b) 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 applicants might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site could not provide the standard pedestal hydrant and the proposed development was within the flood pumping gathering ground;
- (c) 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 / formal submission of general building plans; and
- (d) to revise the disposition or footprint of the proposed Small Houses to avoid any disturbance to the existing mature trees within and adjoining the site.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TKL/371 Temporary Warehouse (for Storage of Tools and Machinery Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years in “Open Storage” zone and an area shown as ‘Road’, Lots 2197 S.A (Part) and 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling (RNTPC Paper No. A/NE-TKL/371)

43. The Committee noted that the applicant requested on 5.9.2011 for a deferment of the consideration of the application for two months in order to allow time for preparation of further information to address Transport Department’s concerns on the traffic aspect of the application.

44. 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 two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Items 12 and 13

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/432 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 87 S.A in D.D. 9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/432 & 433)

A/NE-KLH/433 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 87 RP in D.D. 9, Kau Lung Hang Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/432 & 433)

45. Noting that the two applications were similar in nature and the application sites were located next to each other and both partly within the same “Agriculture” (“AGR”) and partly within the same “Village Type Development” (“V”) zones on the OZP, Members agreed that they could be considered together.

Presentation and Question Sessions

46. Mr. W.K. Hui, DPO/STN, presented the applications 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) at each of the application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for agricultural rehabilitation;

- (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 (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Paper. The application sites partly fell within the “AGR” zone and DAFC did not support the applications from agricultural point of view. Notwithstanding the above, both the applications had previous planning permissions (Nos. A/NE-KLH/351 and 352) granted by the Committee on 18.8.2006 for the same Small House developments at the same sites. As the planning permissions had lapsed on 18.8.2010, the current applications were submitted for the same Small House developments. As in the previous applications, the two Small Houses under the current applications generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the footprint of the proposed Small Houses fell entirely within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone; and the proposed Small Houses would be able to be connected to the planned sewerage system in the area. The application sites were within the upper indirect water gathering ground and located to the northwest of the Kau Lung Hang Ecologically Important Stream (EIS). According to the Chief Engineer/Consultants Management of Drainage Services Department, public sewerage connection points would be provided in the vicinity of the sites and the proposed Small Houses would be able to be connected to the planned sewerage system in the area. As such, both the Director of Environmental Protection (DEP) and Chief Engineer/Development (2) of Water Supplies Department had no objection to the applications. Relevant government departments consulted also had no adverse comment on or no objection to the applications.

47. A Member noted that the Kau Lung Hang EIS was situated to the southeast of the application sites and enquired how the stream could be protected from being affected by developments/works in the surrounding area.

48. Mr. W.K. Hui explained that EIS referred to those natural streams/rivers with important ecological functions such as providing habitats for diverse or rare animal or plant communities. The Kau Lung Hang EIS was listed in Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005 promulgated in March 2005 which provided an administrative framework to protect all natural streams/rivers from the impacts of construction works. As set out in the subject Technical Circular, concerned government departments needed to follow the measures to avoid polluting those natural streams/rivers at the planning, design and construction stages of the projects. For private projects, relevant government departments would formulate guidelines and procedures for private developers to follow. Mr. Hui added that if the current applications were approved, the applicants would be advised to follow the Buildings Department Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' and to consult DEP on the sewage disposal arrangement for the proposed developments.

49. Upon the enquiry of the same Member, Mr. W.K. Hui explained that for streams identified to have high ecological value, they would likely be designated as "Conservation Area" or "Site of Special Scientific Interest" zone on the statutory town plans for conservation purpose. For streams which were of general ecological importance, they would normally be kept under "Green Belt" zone.

Deliberation Session

50. Noting that there were two town planning appeal cases allowed by the Town Planning Appeal Board (Appeal Board) in the vicinity of the application site as shown on Plan A-3 of the Paper, the Chairman asked why details of these two applications were not included in the Paper. Mr. W.K. Hui said that he had no information in hand about the two appeal cases. The Secretary stated that the two appeal cases were quoted by the applicants as two similar applications in their submissions to support their applications. Although the two appeal cases were allowed by the Appeal Board in January 2005, they had no direct relevance to the current applications.

51. After further 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 23.9.2015, 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 to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage systems to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) 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.

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

- (a) the actual occupation of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) the applicants should make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (d) to note the comments of the Director of Environmental Protection (DEP)

that the proposed houses should be connected to the future public sewer when available and the sewerage connection point should be within the application sites and within the “Village Type Development” zone;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that both public stormwater drainage system and public sewerage system were not currently available for connection in the vicinity of the application sites. For stormwater drainage system, the applicants should be required to provide proper stormwater drainage system for the proposed developments to the satisfaction of his department and to submit drainage proposals to his office for comment. The applicants were required to maintain the drainage systems properly, to rectify the systems if they were found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the systems. For sewerage system, the Chief Engineer/Consultants Management, DSD should be consulted on the availability of sewerage connection;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix V of the Paper;
- (g) 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 the Lands Department;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicants should follow the Buildings Department Practice Note for Authorized Persons and Registered Structural Engineers No. 295, ‘Protection of natural streams/rivers from adverse impacts arising from construction works’ in particular Appendix B, ‘Guidelines on Developing Precautionary Measures during the Construction Stage’ so as to avoid disturbance and water pollution to the Kau Lung Hang Ecologically Impact Stream on the southeast (Plan A-2 of the Paper) and consult DEP on the sewage disposal arrangement for the proposed developments, in

particular the proposed septic tanks for sewage disposal;

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicants 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) prior to establishing any structure within the application sites, the applicants and/or their 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
 - (ii) 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/or their contractors when carrying out works in the vicinity of electricity supply lines; and
- (j) to note that the permission was only given to the development under the applications. If provision of an access road was required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-TK/368 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone, Lot 262 S.A in D.D. 26,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/368)

53. The Committee noted that the applicant’s representative requested on 14.9.2011 for a deferment of the consideration of the application for two months in order to allow more time to prepare further information to substantiate the application.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted 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 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 15

Section 16 Application

[Open Meeting]

A/NE-TK/369 Proposed Temporary Private Vehicle Park (Private Cars
and Light Goods Vehicles) for a Period of 3 Years
in “Village Type Development” zone,
Lots 60 RP (Part) and 220 (Part) in D.D. 27, Sha Lan, Tai Po
(RNTPC Paper No. A/NE-TK/369)

55. The Committee noted that the applicant requested on 7.9.2011 for a deferment of the consideration of the application for five months in order to allow more time to employ consultants to assess the geotechnical feasibility of the proposed development as requested by

the Head of Geotechnical Engineering Office, Civil Engineering and Development Department.

56. The Secretary said that though the Committee would normally allow a deferment of two months, the applicant had indicated that five months were required to conduct the geotechnical feasibility study for the proposed development.

57. 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 five months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Dr. W.K. Lo and Mr. T.K. Choi left the meeting temporarily at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/505 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone, Lot 102 SA ss1 SE in DD14,
Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/505)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would likely encourage similar Small House developments to encroach onto the “Green Belt” (“GB”) zone to the west of Tung Tsz Road, and further deteriorate the existing rural landscape quality;
- (d) one public comment was received from Designing Hong Kong Ltd during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the proposed Small House was incompatible with the planning intention of the “GB” zone and the character of the surrounding area, and there was no sustainable village layout for the area; and

[Dr. W.K. Lo and Mr. T.K. Choi returned to join 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 13 of the Paper. The site was located in the “GB” zone on the western side of Tung Tsz Road where planning applications for Small Houses development had been previously rejected by the TPB for reason of being not in line with the planning intention of the “GB” and contravening the then planning policy of the TPB to confine village expansion to the east of Tung Tsz Road. On 27.5.2011, the TPB noted the finding of the review on the “GB” zoning to the west of Tung Tsz Road and agreed that Small House development might be permitted in a portion of the “GB” area subject to compliance with the TPB Guidelines No. 10 and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria). Although the proposed Small House development was not in line with the planning intention of the “GB” zoning for the area and CTP/UD&L of PlanD had reservation on the application, it met the Interim

Criteria in that more than 50% of the proposed Small House footprint fell within the village 'environs' of Tung Tsz and Tseng Tau Village and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of the villages. Considering that the site was a piece of paved flat land with no significant landscape impact anticipated, sympathetic consideration might be given to the application. There was a public comment on the possible adverse impacts of the proposed Small House in the "GB" zone. In this regard, concerned government departments had no objection to or adverse comments on the application.

59. Members had no question on the application.

Deliberation Session

60. 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 23.9.2015, 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 proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po that if and after

planning approval had been given by the TPB, his office would process the Small House application. If the Small House application was approved by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation Department (DAFC) that there was a water course to the south of the application site. The applicant should follow the Buildings Department (BD) Practice Note for Authorized Persons and Registered Structural Engineers No. 295 'Protection of natural streams/rivers from adverse impacts arising from construction works' in particular Appendix B 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance to the stream and causing water pollution;
- (c) to note the comments of DAFC that there were two nos. of Araucaria heterophylla and a Michelia alba to southeast of the application site. The applicant should avoid affecting these trees;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of CE/Dev(2), WSD that water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no public drain

maintained by DSD in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (g) to note the comments of CE/MN, DSD that there was existing public sewerage available for connection in the vicinity of the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the captioned development;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon formal referral from LandsD;
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons APP-56. If such exemption was not granted, the applicant should submit site formation plans to BD in accordance with the provision of the Buildings Ordinance.
- (j) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the section of Tung Tsz Road next to the application site was not maintained by his office; and
- (k) 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 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 should carry out the following measures:

- (i) prior to establishing any structure within 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; and
- (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Ms. Doris S.Y. Ting, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Ms. Ting left the meeting at this point.]

[A short break of 5 minutes was taken.]

Tuen Mun and Yuen Long District

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/419 Proposed Columbarium and Residential Institution (Quarters) in
Redevelopment Proposal of Gig Lok Monastery
in “Government, Institution or Community” zone,
Lot 2011 (Part) in D.D. 132 and Adjoining Government Land,
Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun
(RNTPC Paper No. A/TM/419B)

62. The Secretary reported that Dr. C.P. Lau had declared an interest in this item as he had a residential property in the area. Since the property owned by Dr. Lau was at a distance from Gig Lok Monastery, the Committee considered that the interest of Dr. Lau in this item was indirect and he could stay in the meeting.

Presentation and Question Sessions

63. The Committee noted that the applicant’s representative requested on 14.9.2011 for a further deferment of the consideration of the application for two more months so as to allow sufficient time for the applicant to address the comments raised by the Commissioner of Police (C of P), Director of Environmental Protection (DEP) and Commissioner for Transport (C for T) on the application.

64. The Secretary said that the applicant claimed that additional time was required to conduct a potentially hazardous installation (PHI) assessment for the Tuen Mun Water Treatment Works which was a new requirement of DEP. Besides, the applicant was arranging a meeting with DEP to discuss the on-site burning facilities and the applicant’s traffic consultant was actively preparing further information to address C for T’s comments. Further in-depth studies, surveys and meeting with C for T and C of P might also be required.

65. The Secretary also reported that the TPB Secretariat had received a letter dated 15.9.2011 from the Incorporated Owners (IO) of Parkland Villas to 11 RNTPC Members requesting the Committee to reject the application. Two letters dated 20.9.2011 and 21.9.2011 from a Tuen Mun District Council (TMDC) member, Ms. Ho Hang-mui, and the IO of Parkland Villas respectively were received by the TPB Secretariat requesting Members not to accede to the applicant's request for deferral as the deferral was a delaying tactics and the repeatedly request for deferral had brought about nuisance to the local residents. The TMDC member also said that the local residents worried that the applicant would continue to sell the niches illegally during the deferral period. All the three letters were tabled at the meeting for Members' reference.

66. In response to a Member's enquiry, the Secretary said that two of the above letters were received from the IO of Parkland Villas. The first letter dated 15.9.2011 was to request the Committee to reject the application while the second letter dated 21.9.2011 was asking the Committee not to accede to the request for deferral. The letter from the TMDC member dated 20.9.2011 was also asking the Committee not to accede to the deferral request. Members were requested to consider the request for deferral submitted by the applicant at this meeting, the views of the IO of Parkland Villas and the TMDC member, together with the justifications given by the applicant. If the request for deferral was not accepted by the Committee, the application would be submitted for consideration of the Committee at the next meeting.

67. A Member said that it might be unfair to the applicant if the Committee rejected the deferral request based on the local objections without allowing the applicant to respond to the objectors' view. The Secretary said that Members would need to consider the justification for deferment as submitted by the applicant in his letter dated 14.9.2011 that more time was required to conduct a PHI assessment for the Tuen Mun Water Treatment Works as requested by DEP after the second deferment was allowed by the Committee. This was considered a new requirement from DEP.

68. The same Member considered that the Committee should take into account the reasons given by the applicant for deferring the consideration of the application and the local views/objections against the deferral request before making a decision on whether the request should be acceded to. Members agreed.

[Mr. T.K. Choi left the meeting temporarily and Mr. Lawrence K.K. Ngo returned to join the meeting at this point.]

Deliberation Session

69. A Member, by referring to paragraph 4.1 of the Paper, noted that there had been no change in the planning circumstances since the previous deferment by the Committee on 8.7.2011 and the applicant had been actively addressing the departmental comments. In this regard, this Member stated that the Committee should take into account whether effort had been made by the applicant to address the outstanding issues of the application and whether the request from DEP on the PHI assessment was a new requirement conveyed to the applicant since the previous deferment was granted. With respect to the objections raised by the local residents and the TMDC member, the same Member considered that their views/comments could be taken on board when the application was considered by the Committee in future.

70. Mr. Frankie W.P. Chou advised that the District Officer (Tuen Mun) had the following comments on the request for deferral submitted by the applicant :

- (a) some members of the public indicated that the applicant had continued to sell niches even though the application was not yet approved. There was a concern that the applicant was playing a delaying tactics so as to make the enforcement action more difficult in future;
- (b) the Committee should be well-informed of who the supporters were and their reasons for supporting the application as the supporters might be those who had bought niches from the applicant; and
- (c) the request for deferral should only be accepted with very strong justifications from the applicant. Otherwise, it would give the public a perception that the approving authority was allowing the applicant of his delaying tactics.

71. At the request of the Chairman, Mr. Lawrence K.K. Ngo explained that DEP had recently informed the applicant that his proposal would result in an increase in the number of persons living or working in the 400m consultation zone of the Tuen Mun Water Treatment Works (located at about 120m to the southeast of the application site), hence submission of a PHI assessment would be required. Moreover, in view of the close proximity of Gig Lok Monastery to an adjacent residential development and the strong local objections on the air pollution aspect, DEP had expressed great concern on the on-site burning facilities. That issue had yet to be resolved.

72. The Chairman said that since the PHI assessment was a new requirement from DEP, it could be considered as a valid justification for the granting of a further deferment to the application.

73. Taking into account the need to undertake the PHI assessment, Mr. Frankie W.P. Chou had no objection to grant a further deferment to the applicant. He asked if the Committee could advise the applicant to ensure that all the outstanding issues/comments raised by concerned government departments be addressed during the deferment period to avoid further delay.

74. In response to the Chairman's enquiry, Mr. Lawrence K.K. Ngo said that PHI assessment which was based on the planned population at that time had previously been undertaken by Water Supplies Department. With the proposal of Gig Lok Monastery, which involved the provision of about 4,900 niches, the submission of a new PHI assessment was required as the proposal would result in a significant increase in visitors to the area. In addition, Mr. Ngo advised that the PHI assessment had to be submitted to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI) for endorsement before DEP could render its support to the proposal.

75. The Chairman asked whether the PHI assessment could be completed with the endorsement of CCPHI within the two-month period, Mr. Lawrence K.K. Ngo said that it would depend on how fast the applicant could complete the PHI assessment and submit it to CCPHI for consideration. The Secretary said that as DEP's requirement for a PHI assessment had already been provided to the applicant in early August 2011, should the Committee agree to allow the deferment for another two months, the applicant should have

some four months to carry out the PHI assessment and solicit the support of the relevant authority.

76. Mr. Lawrence K.K. Ngo advised that up to the present moment, no PHI assessment report had been submitted to the Environmental Protection Department (EPD) for consideration.

77. A Member enquired that, apart from the PHI assessment, whether the other outstanding issues as mentioned in the previous deferment application had been properly resolved. The Secretary said that the applicant had submitted on 1.8.2011 further information which included responses to comments of government departments and a revised traffic impact assessment and an environmental assessment report. The submission was not yet fully accepted by concerned departments.

78. In response to the enquiry of the Chairman, Mr. Lawrence K.K. Ngo said that while a meeting was being arranged by the applicant to discuss with EPD on the provision of on-site burning facilities in the proposal, there had been on-going informal discussion with the consultants. The applicant's proposal to use "environmentally friendly burner" was still not accepted by EPD. Mr. Ngo said that as the site was located immediately next to Parkland Villas, EPD was concerned with the potential air pollution impact should on-site burning facilities be used. Mr. Ngo said that complaints on air pollution were received by EPD when the applicant used the burning facilities again recently. Upon the enquiry of a Member, Mr. Ngo said that it would be up to the applicant to propose whether he would stop using on-site burning facilities to address the concern of EPD.

79. To conclude, the Chairman said that Members generally agreed to the deferral request submitted by the applicant. The applicant should be reminded that all the outstanding issues should be addressed in the two-month deferment period and no further deferment would be allowed.

80. After further deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee 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 further information, and as a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.K. 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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/30 Temporary Storage of Construction Materials and Equipment, and
Open Storage of Construction Materials, Equipment and Containers
with Watchman Quarters for a Period of 3 Years
in “Agriculture” zone, Lot 60 S.C in D.D. 135, Nim Wan Road,
Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/30)

Presentation and Question Sessions

81. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary storage of construction materials and equipment, and open storage of construction materials, equipment and containers with watchman quarters for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the site and the access road, and environmental nuisance was expected. The Commissioner for Transport (C for T) had reservation on the application as Nim Wan Road was not suitable for use by long vehicles and the approval of the application might set an undesirable precedent for other similar applications. The Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application as the application site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application as the site was located in a rural setting and was located adjoining to the “Coastal Protection Area” zone, and the proposed use was incompatible with the landscape character of the surrounding area;

- (d) two public comments were received from a Yuen Long District Council (YLDC) member and Designing Hong Kong Ltd (DHKL) during the first three weeks of the statutory publication period. While the YLDC member objected to the application for the reason that Nim Wan Road was too narrow for use of heavy vehicles and might result in potential danger, DHKL objected to the application as open storage was a blight on the environment and not in line with the planning intention. DHKL further suggested that landscaping and fencing conditions should be stipulated should the application be approved; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where applications would normally not be approved unless the applications were on sites with previous planning approvals. The general planning intention for the Sheung Pak Nai and Ha Pak Nai Area was mainly to encourage agricultural uses and preserve the natural environment for agricultural use and the rest for coastal protection and green belt. In this regard, DAFC did not support the application. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application did not

meet the TPB Guidelines No. 13E since no previous approval for open storage use had been granted; there were adverse comments from DAFC, DEP, C for T, and CTP/UD&L of PlanD; and there was no information in the submission to demonstrate that the proposed development would not have adverse impact on the surrounding rural area. No similar application for temporary storage/open storage uses within the subject “Agriculture” (“AGR”) zone had been approved. The approval of the application would set an undesirable precedent and encourage other applications for similar development within the “AGR” zone, which would result in a general degradation of the environment of the area. Besides, there were two public comments received objecting to the application on environmental, planning intention and road safety grounds.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 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 “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Approval of the application, even on a temporary basis, would frustrate the planning intention of the zone;
- (b) the proposed development was incompatible with the rural environment and landscape character of the surrounding area which was predominated by orchards, ponds, farmlands and residential dwellings;
- (c) 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 had been granted for the site, there were adverse departmental comments on the environmental, traffic and landscape aspects. No technical assessment had been included in the submission to address such adverse impacts; and

- (d) approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area as well as adverse traffic impact on Nim Wan Road.

[Mr. Frankie W.P. Chou left the meeting and Mr. T.K. Choi returned to join the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/347 Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods)
in “Industrial (Group D)” zone,
Lots 856 RP, 857 RP, 858 RP, 859 RP and 860 RP in D.D. 124
and Lots 238, 239 and 367 in D.D. 127, Hung Tin Road,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/347A)

Presentation and Question Sessions

84. Mr. Vincent T.K. Lai, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed dangerous goods godown (Cat. 5 dangerous goods);

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) three public comments raising objection to the application were received during the first three weeks of the statutory publication period. The Village Representative (VR) of Hung Uk Tsuen, a Yuen Long District Council (YLDC) member and Designing Hong Kong Ltd (DHKL) objected to the application mainly on fire safety and environmental grounds as well as from ‘fung shui’ perspective; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed dangerous goods godown could be tolerated for a period of five years based on the assessment made in paragraph 11 of the Paper. The proposed dangerous goods storage use could not be accommodated in conventional flatted factories and was in line with the planning intention of the “Industrial (Group D)” zone. The site had already been paved by concrete and was partly fenced-off, and was surrounded by industrial uses including a logistics company, open storage yards, warehouses and workshops. The Director of Fire Services (D of FS) had no objection to the application subject to the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations (FSIs) to his satisfaction. The Director of Environmental Protection (DEP) considered that the proposed development could be tolerated provided that the applicant would fully implement the leakage prevention and spillage control measures as proposed in the submission. Other government departments consulted also had no objection to or adverse comment on the application. As it was noted that D of FS and DEP’s acceptance of the proposed use was premised upon satisfactory implementation of FSIs and various mitigation measures as required under the approval conditions to be stipulated, it was considered appropriate that the compliance with the conditions and situation on-site should be monitored. As such, the approval on a temporary basis for a period of five years was recommended. There were three public comments from the VR of Hung Uk Tsuen, a

YLDC member, and DHKL objecting to the application mainly on fire safety and environmental grounds. In this regard, concerned departments had no objection to the application and approval conditions on environmental mitigation measures and FSIs proposals were recommended.

85. Members had no question on the application.

Deliberation Session

86. The Chairman said that apart from the granting of a temporary approval period of five years as recommended by PlanD to monitor the situation on-site and the compliance of approval conditions, no dangerous goods were allowed to be stored on the site prior to the compliance of relevant conditions (c) to (g) to address the concerns of government departments.

87. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.9.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no open storage of dangerous goods were allowed on the site at any times during the approval period;
- (b) the demolition of buildings/structures not included in the submitted scheme, as proposed by the applicant;
- (c) the provision of a 100mm thick concrete box to enclose the underground tanks at all times during the approval period, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the provision of a 100mm bund wall around the distribution area of 4m x 4m above each of underground tank with a peripheral channel at all times during the approval period, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;

- (e) the provision of an underground sump tank equipped with an oil/grease trap at all times during the approval period, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the submission of the design of emergency vehicular access, water supplies for fire-fighting and 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 23.3.2012;
- (g) in relation to (f) above, the implementation of emergency vehicular access, water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2012;
- (h) no dangerous goods were allowed to be stored on the site prior to compliance of the conditions (c), (d), (e), (f), and (g) above;
- (i) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2012;
- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2012;
- (k) the submission a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2012;
- (l) in relation to (k) above, provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2012;

- (m) the provision of peripheral fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2012;
- (n) if any of the above planning conditions (a) or (h) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (f), (g), (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.

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

- (a) a temporary approval of five years was given to monitor the compliance of the approval conditions and the situation on-site;
- (b) to note the comments of the District Lands Officer/Yuen Long that ingress/egress of the site opened onto a road on government land (GL). His office provided no maintenance work for the existing ingress/egress or road on GL and did not guarantee right-of-way. The applicant or lot owner would need to apply to his department for permission for the proposed dangerous goods godown uses on Lot 367 in D.D. 127 or to permit structures to be erected on the Old Scheduled Agricultural Lots involved. Such application, if received by his department, would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. In the event any such application was approved, it would be subject to such terms and conditions, including, among others, the payment of premium or fee and administrative fees as might be imposed by LandsD;
- (c) 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;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) comments that HyD should not be responsible for the maintenance of any access connecting the site and the road at the east of Hung Tin Road;
- (e) to note the comments of the Director of Fire Services that the applicant/operator should approach the Dangerous Goods Division of his department for advice on licensing of premises for purpose of storage of dangerous goods where necessary;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the removal of unauthorized structures on site, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found in order to allow possible future action by departments concerned against the said structures. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site was not abutting and accessible from a street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at plan submission stage;
- (g) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the site was in close proximity to the limit of their project no. "7259RS - Cycle Tracks Connecting North West New Territories with North East New Territories" (Plan A-2 of the Paper);

- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) 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 cable plans obtained, if there was underground cable (and/or overhead line) within/or in the vicinity of the site, the applicant should carry out the following measures:
- (i) for 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, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; 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 applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of DEMS that there was a high pressure underground town gas transmission pipeline running along the roadside of Hung Tin Road (Plan A-2 of the Paper). The applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Ltd in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines during the design and

construction stages of development. The applicant should also note the requirements of the 'Code of Practice on Avoiding Danger from Gas Pipes' which was available at their webpage.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-PS/353

Proposed Residential-cum-Commercial Development with Minor Relaxation of the Building Height Restriction (from 12 Storeys and 36m to 13 Storeys and 42.053m) for the Portion within "Residential (Group A) 2" in "Comprehensive Development Area" and "Residential (Group A) 2" zones, Lots 2328 RP, 2340 RP, 2340 S.A ss1, 2340 S.A ss2, 2340 S.A ss3, 2340 S.A ss4 RP, 2340 S.A ss5 RP, 2340 S.A ss6, 2340 S.A RP, 2341, 2342 S.A, 2342 S.B ss1, 2342 S.B RP, 2342 S.C RP, 2342 S.D RP, 2343 S.A ss1, 2343 S.A RP, 2343 S.B RP and 2350 in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/353)

89. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Associated Architects Ltd and ADI Ltd, which were one of the consultants for the applicant. As Ms. Kwong has no direct involvement in the subject application and the applicant had requested for a deferment of consideration of the application, the Committee agreed that she could stay in the meeting.

90. The Committee noted that the applicant's representative requested on 2.9.2011 for a deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from the Urban Design and Landscape Section, Planning Department.

91. 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 two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/219 Proposed Temporary Car Exhibition Area and Office
for a Period of 1 Year
in “Village Type Development” zone,
Lot 1996 S.B RP (Part) in D.D. 130, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/219)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary car exhibition area and office for a period of one year;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) eight public comments from private individuals were received during the first three weeks of the statutory publication period. All of them objected to the application mainly on building safety, traffic, environment, fire safety, planning, water supply, drainage and land administration grounds

mainly due to the concern on non-compliance of approval conditions; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed temporary uses under application was not in line with the planning intention of the “Village Type Development” zone. Although there was no impending Small House application within the site and temporary uses could be considered in the interim, the applicants had to demonstrate that such temporary uses were compatible with the surroundings and that any possible negative impacts to be generated would be adequately addressed. The previous Applications No. A/TM-LTYYY/145 and 180 (both submitted by the applicant Mr. To Wai-kit and another person) were revoked due to non-compliance of the approval conditions on submission of layout plan and on fire safety. In the current application, the applicants had not submitted any proposal on drainage, vehicular access arrangement and fire service installations, hence it was questionable whether the applicants were prepared to fulfil the conditions required by relevant government departments. When approving the previous Application No. A/TM-LTYYY/180 in 2009, the Committee had already advised the applicants that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of the approval conditions. In view of the repeated revocation of the two previous permissions and the Committee's advice above, favourable consideration to the application should not be given, even though it was for a period of one year. In the last previous Application No. A/TM-LTYYY/209 submitted in October 2010 for the same site, the applicant (Mr. To Wai-kit) admitted that the site was used for vehicle repairing and warehouse and hence the application was submitted for those uses, but the application was rejected by the Committee. It appeared that the site had continuously been used for vehicle repairing and cleaning instead of the uses under the current application. In this regard, the approval of the application with repeated non-compliances and revocations would set an undesirable precedent for similar applications. The cumulative effect would result in nullifying the statutory planning

control mechanism. Besides, there were eight public objections to the application for various reasons mainly due to the concern on non-compliance of approval conditions.

93. Members had no question on the application.

Deliberation Session

94. The Chairman noted the repeated revocation of the two previous permissions due to non-compliance of the approval conditions, and the fact that the applicants had not submitted in the current application any proposal on the related aspects, he had no sympathy on the application. Nevertheless, the Chairman enquired whether there had been any change in the planning circumstances since the previous application.

95. In response, Mr. K.C. Kan said that there had been no change in the planning circumstances since the last application (No. A/TM-LTTY/209), which was submitted in 2010, and the site was still being used as a car repairing workshop with car washing activity. Mr. Kan referred to the site photos in Plan A-4c of the Paper and said that part of the structure on-site was being demolished probably due to the enforcement action taken by Lands Department.

96. The Chairman referred to the public comments which indicated that the proposed development might create adverse traffic, sewerage and environmental impacts on the surrounding area, and asked whether they were valid concerns in rejecting the application.

97. Mr. K.C. Kan stated that the eight public comments were very similar in nature. The aspects of building safety, traffic, environment, fire safety, planning, water supply, drainage and land administration stated in the public comments were quoted from departmental comments in the previous application. The commenters noted that the applicants were required to comply with a number of approval conditions imposed by the Committee within a stipulated time limit. They requested the Committee to impose penalty on the applicants for their failure to comply with the approval conditions.

98. The Secretary said that based on the information submitted by the applicant and

the two previously revoked planning permissions, it was noted that the applicant did not intend to use the application site for the applied use. The Planning Authority would take enforcement action as appropriate should the planning application be rejected.

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

- (a) the applicants had not submitted any proposal on drainage, vehicular access and fire service installations to demonstrate that the proposed development would not cause adverse sewerage and traffic impacts, nor pose fire safety problem on the surrounding area; and
- (b) the application involved two previously revoked planning permissions for the same uses due to non-compliance of the approval conditions. The applicant had failed to demonstrate in the current submission that the relevant conditions would be complied with. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/TM-LTY/220 Temporary Private Car and Heavy Construction Vehicle Park with Ancillary Vehicle Repair Workshop and Ancillary Site Office for a Period of 3 Years in "Green Belt" zone, Lots 2424, 2425 and 2426 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTY/220)

100. The Committee noted that the applicant's representative requested on 1.9.2011 for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

101. 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 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 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/194 Renewal of Planning Approval for Temporary Restaurant under Application No. A/YL-MP/171 for a Period of 3 Years in "Open Space" zone, Lots 5, 6, 7, 8 RP, 9 RP and 10 in D.D. 101, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/194)

102. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this application as she had current business dealings with Lanbase Surveyors Ltd, which was one of the consultants for the applicant. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

103. Mr. K.C. Kan, 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 restaurant under Application No. A/YL-MP/171 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments were received from the Royal Palms Owners' Committee and Royal Palms Owners' Committee, Phase A during the first three weeks of the statutory publication period. The commenters objected to the application mainly on the grounds that the site had been changed to temporary shop for selling of furniture, the applicant had constructed a slip road from Palm Springs Boulevard before obtaining approval from the Lands Department, there would be potential hazard to the public order of their estate, and the temporary restaurant would bring about traffic, air pollution and environmental hygiene problems; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. Although the temporary restaurant use was not in line with the planning intention of the "Open Space" ("O") zone, there was at present no programme for development of the open space. Approving the application on a temporary basis for a further period of three years would not jeopardize the long-term planning intention of the "O" zone. The renewal application was in line with the TPB Guidelines No. 34B in that there had been no major change in the planning circumstances; concerned government departments had no adverse comment on the application; all the approval conditions under the previous approval had been complied with; the three-year approval period sought was the same as in the previous application; and temporary use of the site for a restaurant for another three years would not jeopardize the planning intention of the "O" zone. The temporary restaurant was considered not incompatible with the surrounding land uses and could provide temporary catering services to the nearby

residents. It was also in line with the TPB Guidelines No. 12B in that the Committee had approved temporary restaurant use at the site, which was within the Wetland Buffer Area, since 1997; and planning applications for temporary uses were exempted from the requirement of an ecological impact assessment. As the site was located at some distance from the fish ponds and wetlands in the Deep Bay area, the Director of Agriculture, Fisheries and Conservation had no comment on the application. Nevertheless, approval conditions restricting the operation hours and types of vehicles as well as requiring maintenance of paving and boundary fencing were recommended to mitigate the potential environmental nuisance to the nearby residents. Regarding the public comments objecting to the application, government departments concerned had no adverse comment or no objection to the application. Relevant approval conditions would also be stipulated to address the technical concerns of government departments. Besides, PlanD had confirmed in a recent site inspection that the site was not a furniture shop as indicated in the public comment. The Commissioner for Transport had advised that the additional traffic generated by the temporary restaurant would be small.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 8.11.2011 to 7.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 12:00 a.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (c) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2012;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 7.8.2012;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (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.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the land under application site comprised Old Scheduled agricultural lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. The site was accessible from Castle Peak Road – Mai Po via a non-exclusive Right of Way No. 1 (Palm Springs Boulevard) jointly maintained by the owners of D.D. 104 Lot No. 4750 (Palm Springs) and Lot No. 4754 (Royal Palms). His office did not guarantee the right-of-way;
- (c) to note the comments of the Commissioner for Transport that the temporary restaurant was covered by a proper building plan submission via Buildings Department and he was satisfied with the building plan submission, including the access arrangement;
- (d) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Director of Environmental Protection that the applicant should hold a valid effluent discharge licence for the temporary restaurant so as to comply with the Water Pollution Control Ordinance. It was the applicant’s responsibility to take measures to minimize any oily fume, cooking odour and noise as required by the Air Pollution Control Ordinance and Noise Control Ordinance;
- (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. Furthermore, the emergency vehicular access provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;

- (g) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his department was necessary if any class of food business was open to the public; and
- (h) to liaise with the maintenance agent of the Royal Palms and Palm Springs with regard to the use and maintenance cost of the Palm Springs Boulevard.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/750 Proposed Temporary Open Storage of Scrap Metals and Trailers
for a Period of 3 Years
in “Open Space” and “Village Type Development” zones,
Lots No. 352 S.C (Part), 352 RP (Part), 353 (Part), 356,
480 S.A RP (Part) and 480 RP (Part) in D.D. 124 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/750)

Presentation and Question Sessions

107. 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 proposed temporary open storage of scrap metals and trailers for a

period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road and environmental nuisance was expected. She, however, indicated that no pollution complaint against the site had been received in the past three years;
- (d) one public comment was received from a Yuen Long District Council member during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds that the site was in close proximity to residential dwellings and the previous applications at the site had been revoked many times; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The site fell partly within Category 3 areas and partly within Category 4 areas under the TPB Guidelines No. 13E where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals, and applications would normally be rejected except under exceptional circumstances. The applied use was not in line with the planning intention of the “Open Space” and “Village Type Development” (“V”) zones. The applicant had not provided any planning justification in the submission for a departure from such planning intention. Eight Small House developments near the site had recently been approved. Approval of the current application, which was for temporary open storage of scrap metals and trailers, would set an undesirable precedent for open storage uses within the subject “V” zone and result in interface problems with the Small House development in the subject “V” zone. The application did not meet the TPB Guidelines No. 13E in that there was no information in the submission to address the adverse comments from DEP and demonstrate that the applied use would not have adverse impact on the surrounding area. Although the applied use was not incompatible with the surrounding open storage yards and vehicle parks, and the applicant had

submitted a letter of consent from the owners of the immediately adjoining small houses, DEP did not support the application as there were sensitive uses in the vicinity of the site. Although the site was the subject of eight previous approvals for various temporary uses since 1999, the Committee had granted a shorter approval period of one year for the previous application No. A/YL-HT/601 in view of the recent approval of Small House developments near the site, and rejected the last previous application No. A/YL-HT/655. Since the rejection of this application, four more Small Houses had been approved in the vicinity. Therefore, rejection of the application was in line with the Committee's previous decision. Besides, there was one objection against the application on the grounds of noise nuisance on the nearby residents, and the applicant's insincerity in complying with the approval conditions as reflected in the previous revocations.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the "Open Space" zone, which was for the provision of outdoor open-air public space of active and/or passive recreational uses serving the needs of local residents as well as the general public. The proposed development was not in line with and would frustrate the planning intention of the "Village Type Development" ("V") zone, which was to designate both existing recognized villages and areas of land considered suitable for village expansion respectively. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the proposed 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 there were adverse departmental comments on the environmental aspect and the development would generate adverse environmental impacts to the surrounding areas;
- (c) the proposed development was not compatible with the adjoining small house developments under construction; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “V” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/751 Temporary Open Storage of Vehicle Parts with Ancillary Workshop
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 844 RP (Part), 897 S.B RP (Part), 898 S.B ss.3 RP (Part),
898 S.B RP (Part) in D.D. 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/751)

Presentation and Question Sessions

110. 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 vehicle parts with ancillary workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses immediately abutting the site and along the access 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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with most of the surrounding uses which were predominantly occupied for open storage yards. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone since there was no known programme to implement the zoned use on the OZP. The development was in line with the TPB Guidelines No. 13E in that DEP's concerns could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments. The technical concerns raised by the Chief Engineer/Mainland North of Drainage Services Department, Chief Town Planner/Urban Design and Landscape of PlanD and Director of Fire Services could be addressed by stipulating relevant approval conditions. DEP did not support the application as there were sensitive receivers (two residential dwellings) directly abutting the site and along the access road. It was, however, noted that the residents of the nearby dwellings had expressed no objection to the application. To address DEP's concerns, approval conditions

restricting the operation hours, the stacking height of materials, the types of vehicles used and where the workshop activities were to be carried out had been recommended. The Committee had recently approved six similar applications within the same “CDA” zone for similar temporary open storage and workshop uses. Approval of the subject application was in line with the Committee’s previous decisions.

111. Members had no question on the application.

Deliberation Session

112. The Chairman noted that there were two residential dwellings to the immediate southwest of the site and enquired whether the residents there had objection to the application. In reply, Mr. Ernest C.M. Fung said that while one of the dwellings was resided by the applicant, the residents of the other nearby dwelling provided written statement expressing no objection to the application.

113. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.9.2014, 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 9:00 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 materials stored at the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval

period;

- (e) vehicle workshop activities, including paint-spraying, should only be carried out within covered areas of the site, as proposed by the applicant, during the planning approval period;
- (f) the provision of drainage facilities proposed within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2012;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2012;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2012;
- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.3.2012;
- (j) in relation to (i) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.6.2012;
- (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;
- (l) if any of the above planning conditions (f), (g), (h) (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further

notice; and

- (m) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) 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 prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site, and to regularize the unauthorized occupation of government land (GL). Such application would be considered by the Lands Department (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. Access to the site from Ping Ha Road required traversing through a local track on GL and Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW, CEDD should be consulted for any interface problem. He provided no maintenance works for the track on GL and did not guarantee right-of-way;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that prior consent of DLO/YL or the relevant private

lot owners should be obtained for the drainage works outside the site; all the proposed drainage facilities should be constructed and maintained by the applicant at his own costs; and the applicant was required to properly maintain the drainage facilities and rectify those facilities if they were found to be inadequate or ineffective during operation. The applicant should be liable for and should immediately indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the 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;
- (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 (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. The applicant should adhere to the 'Good Practice Guidelines for Open Storage' at Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to 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 an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. To remove the existing structures that apparently had not obtained approval under the BO. The open sheds/converted containers for site office, storage, freight forwarding, warehouse, guard room, tyre repair, workshop, canteen and toilet were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/752 Renewal of Planning Approval under Application No. A/YL-HT/573 for Temporary Open Storage of Mobile Toilets with Ancillary Parking of Lorry for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 798 S.A RP (Part), 799 (Part), 800 (Part), 801 (Part), 802 (Part) and 804 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/752)

Presentation and Question Sessions

115. Mr. Ernest C.M. Fung, STP/TMYL, reported that replacement pages 8 and 9 of the Paper were tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-HT/573 for temporary open storage of mobile toilets with ancillary parking of lorry for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. She, however, indicated that no pollution complaint against the site had been received in the past three years;
- (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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards and warehouses. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone since there was no known programme to implement the zoned use on the OZP. The renewal application was in line with the TPB Guidelines No. 34B in that there had been no material change in the planning circumstances since the previous approval; there was no adverse planning implication arising from the renewal application; and the applicant had complied with all the approval conditions. The development was also in line with the TPB Guidelines No. 13E in that

DEP's concerns could be addressed by way of approval conditions, and there was no adverse comment from concerned government departments. The technical concerns raised by the Chief Town Planner/Urban Design and Landscape of PlanD, Chief Highway Engineer/New Territories West of Highways Department and Director of Fire Services could be addressed by stipulating relevant approval conditions. DEP did not support the application because there was a sensitive use in the vicinity of the site but there was no pollution complaint pertaining to the site over the past three years. To mitigate the potential environmental impacts, approval conditions restricting the operation hours and the prohibition of workshop activities were recommended. The Committee had recently approved five similar applications within the same "CDA" zone for temporary open storage and port back-up uses. Approval of the subject application was in line with the Committee's previous decisions.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 11.10.2011 to 10.10.2014, 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) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity was allowed on the site during the planning approval period;

- (d) no public vehicle park, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree on the site during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/573 should be maintained during the planning approval period;
- (g) 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 10.4.2012;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.4.2012;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.7.2012;
- (j) the submission of a run-in/out 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 10.4.2012;
- (k) in relation to (j) above, the implementation of the run-in/out 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 10.7.2012;

- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.4.2012;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 10.7.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

118. 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 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 prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site.

Such application would be considered by the Lands Department (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. Access to the site required traversing through Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW, CEDD should be consulted for any interface problem. He provided no maintenance works for the track on government land and did not guarantee right-of-way;

- (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, Highways Department (HyD) that the applicant should construct a run in/out at the access point in accordance with the latest version of HyD's standard drawings H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out. HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road; and
- (f) to note the comments of the Director of Fire Services in Appendix VI of the

Paper and to 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. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix VII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/753 Temporary Open Storage of Trucks and Goods Compartments
of Dump Trucks for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lots No. 799 (Part) and 800 (Part) in D.D. 125,
Lot No. 3300 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/753)

Presentation and Question Sessions

119. 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 trucks and goods compartments of dump trucks for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. She, however, indicated that no pollution complaint against the site had been received in the past three years;

- (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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which were predominantly occupied for open storage yards. Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “CDA” zone since there was no known programme to implement the zoned use on the OZP. The development was in line with the TPB Guidelines No. 13E in that there was no adverse comment from concerned government departments. The technical concerns raised by the Chief Town Planner/Urban Design and Landscape of PlanD and Director of Fire Services could be addressed by stipulating relevant approval conditions. DEP did not support the application as there was a sensitive use in the vicinity of the site but there was no pollution complaint pertaining to the site over the past three years. To mitigate the potential environmental impacts, approval conditions restricting the operation hours, the prohibition of workshop activities and public vehicle parking were recommended. The Committee had approved four previous applications for the same/similar open storage uses submitted by the same applicant since 1999. Since granting these previous approvals, there had been no material change in the planning circumstances. The applicant had also complied with all the approval conditions of the last application No. A/YL-HT/571. The Committee had recently approved

five similar applications within the same “CDA” zone for similar temporary open storage and workshop uses. Approval of the subject application was in line with the Committee’s previous decisions.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.9.2014, 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) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no public vehicle park, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree on the site during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/571 should be maintained at all times during the planning approval period;
- (g) 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 23.3.2012;

- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2012;
- (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 Director of Planning or of the TPB by 23.6.2012;
- (j) 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 23.3.2012;
- (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 Director of Fire Services or of the TPB by 23.6.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

122. 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 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 prior approval of the Government, and to apply to him to permit structures to be erected on Lot No. 800 in D.D. 125 and portion of Lot No. 799 in D.D. 125 not covered by Short Term Waiver No. 2213. Such application would be considered by the Lands Department (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. Access to the site required traversing through Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW, CEDD should be consulted for any interface problem. He did not guarantee the right-of-way for access to the site from Ping Ha Road via other private land;
- (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 Director of Fire Services in Appendix V of the

Paper and to 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

- (f) 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 an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require. To remove the existing structures that apparently had not obtained approval under the BO. The open shed as rain shelter and converted containers for storage use were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-LFS/221

Temporary Open Storage of Metal Ware, Construction Machinery and Materials, Recyclable Materials (including Metal and Plastic), Logistics Centre, Trailer Parking and Ancillary Canteen for a Period of 3 Years in “Residential (Group E)” zone, Lots No. 2176 (Part), 2177 (Part), 2178 (Part), 2179 (Part), 2180 (Part), 2181RP (Part), 2191 (Part), 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199 (Part), 2200, 2201 (Part), 2203, 2204 S.A (Part), 2225 (Part), 2228 S.A (Part), 2228 S.B (Part), 2334 (Part), 2336 S.A(Part), 2336S.B(Part), 2337(Part), 2338, 2339 S.A(Part), 2340, 2341 (Part), 2342, 2343, 2344 S.A (Part), 2344 S.B(Part), 2344S.C, 2349 (Part), 2350, 2351 (Part), 2352 (Part), 2353 (Part), 2364 (Part), 2365 (Part), 2366 S.A (Part), 2366 RP (Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP (Part), 2374, 2375, 2376 S.A, 2376 S.B (Part), 2376 S.C (Part), 2377, 2378 RP (Part) and 3450 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/221)

123. The Committee noted that the applicant requested on 14.9.2011 for a deferment of the consideration of the application for two months in order to allow additional time to respond to the comments of the Transport Department.

124. 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 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 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/223 Temporary Warehouse for Storage of Animal Feed
for a Period of 3 Years in “Recreation” zone,
Lots No. 2075 (Part), 2076 (Part), 2082 (Part) and
2083 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/223)

Presentation and Question Sessions

125. 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 warehouse for storage of animal feed for a period of three years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the temporary use under application was not entirely compatible with the planned use for the “Recreation” (“REC”) zone and approval of the application would set an undesirable precedent;
- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Ltd objected to the application mainly because the temporary storage use was a blight on the environment and not in line with the planning intention of the “REC” zone. The commenter requested that a condition requiring a plan for landscaping and boundary fencing should be stipulated should the application be approved; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. While the planning intention of the “REC” zone was primarily for recreational developments for the use of the general public, there was no immediate development proposal for the site. According to the applicant, the applied use was an extension to the three warehouses, which were existing uses (EUs) tolerated under the Town Planning Ordinance. Approval of the application on a temporary basis could still allow the realisation of the planning intention of the “REC” zone in the longer term. Concerned government departments, in general, had no adverse comment on the application. Nevertheless, CTP/UD&L of PlanD had reservation on the application from the landscape planning point of view and on the precedent effect of approving the application. Indeed, the site and its surrounding areas were located close to a “Coastal Protection Area”, and were classified as Category 4 areas under the TPB Guidelines No. 13E where open storage and port back-up uses would be rejected except under exceptional circumstances. In spite of this, the TPB had recently approved upon review four similar applications for open storage yards of marble with/without workshop within the subject “REC” zone. However, it was noted that these sites were the subject of previous approvals for similar open storage uses since 1998, while the current application site had no previous approval for the warehouse development or similar open storage uses. Apart from these four cases, the open storage yards in the vicinity of the site were mostly suspected unauthorized developments or EUs. Approval of the application would set an undesirable precedent and encourage other similar applications within the subject “REC” zone. Besides, there was one objection against the application on the grounds of environmental blight, and contravention with the planning intention of the “REC” zone.

126. Members had no question on the application.

Deliberation Session

127. Upon the enquiry of the Chairman, Mr. Ernest C.M. Fung referred to Plans A-2 and A-4a of the Paper and explained that the eastern part of the application site was occupied by an existing warehouse while the western part was vacant and was proposed for building a warehouse. Both of them were proposed for the storage of animal feed. The site was used for the storage of animal feed without valid planning permission.

128. The Chairman said that similar use was found in the surrounding area, the relevant government departments had no objection to the application and that the departmental concerns could be addressed by the stipulation of relevant approval conditions, there appeared grounds to approve the application on a temporary basis.

129. A Member said that the business to export animal feed to the Mainland would help the development of livestock industry. Given that there was no imminent development proposal for recreational use at the application site and the applied use was temporary in nature, this Member considered that the application could be approved so as to provide additional storage space for the animal feed business. The views were shared by other Members.

130. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.9.2014, 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. to 8:00 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, unpacking, re-packing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;

- (d) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter, park or operate at the site during the planning approval period;
- (e) no open storage of materials was allowed on the site during the planning approval period;
- (f) the warehouse(s) should not be used for storage of any materials other than animal feed during the planning approval period;
- (g) the applicant should allow unobstructed access to all parts of the development for unscheduled site inspections by employees of the Government during the planning approval period;
- (h) the provision of the drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.3.2012;
- (i) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.3.2012;
- (j) in relation to (i) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 23.6.2012;
- (k) 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 Town Planning Board by 23.3.2012;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board

by 23.6.2012;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the 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 site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without his prior approval, and to apply to him to permit structures to be erected on Lot No. 2075, 2076 and 2083 in D.D. 129 and modification of Short Term Waiver No. 2470. Such application would be considered by the Lands Department (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/fees, as might be imposed by LandsD. His office did not guarantee the right-of-way to the site from Deep Bay Road via the other private land;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there should be a proper drainage system for the roof of the warehouse to the proposed ground drainage system; all the proposed drainage facilities should be constructed and maintained by the applicant at his own costs; the existing open drain was not maintained by DSD, and the applicant should obtain the consent of DLO/YL, District Officer (Yuen Long) or the relevant private lot owners; and the applicant was required to properly maintain the drainage facilities and rectify those facilities if they were found to be inadequate or ineffective during operation. The applicant should be liable for and should immediately indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;
- (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 Director of Fire Services in Appendix III of the Paper and to 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;

- (g) 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. 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 Building (Planning) Regulations (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;

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices and implement necessary measures to avoid affecting the pond and vegetated area in the vicinity of the site to the west; and

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the above site could not provide the standard fire-fighting flow.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/544 Proposed Six Houses
(New Territories Exempted Houses – Small Houses)
in “Agriculture” zone,
Lots 1364 S.B (Part) and 1375 S.B in D.D. 106,
Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/544)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed six houses (New Territories Exempted Houses (NTEH) – Small Houses);
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) had reservation on the application as the application fell outside the village ‘environs’ (‘VE’) of Yuen Kong Tsuen. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation;
- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory publication period. The commenter objected to the application as the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone on the OZP and DAFC did not support the application. There was no strong planning justification given in the submission for a departure from the planning intention. The application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) in that the site and the NTEHs/Small Houses footprints fell entirely outside the ‘VE’ and the “Village Type Development” (“V”) zone. In this regard, DLO/YL had reservation on the application. Although there was insufficient land for meeting the long-term demand for Small House in the Yuen Kong Tsuen, there was still land available to meet the current outstanding demand and those in the coming years. In this regard, the applicants had not demonstrated in the submission why suitable sites within the areas zoned “V” within Pat Heung could not be made available for the proposed development. Although similar applications had been approved near the “V” zone of Tin Sam San Tsuen, all of them except Application No. A/YL-KTS/256 were approved before the first promulgation of the Interim Criteria on 24.11.2000. As for Application No. A/YL-KTS/256, it was approved about 10 years ago by the Committee as DLO/YL had no objection to that application. While four similar applications had been approved near the “V” zone of Yuen Kong Tsuen, they fell partly or wholly within the ‘VE’ or “V” zone. Besides, a local objection was received as the proposed development was not in line with the planning intention of the “AGR” zone.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and

- (b) the application did not comply with the Interim Criteria for assessing planning applications for New Territories Exempted House (NTEH)/Small House development in that the site and the proposed NTEH/Small House footprints fell entirely outside the village ‘environs’ for Yuen Kong Tsuen and the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. The applicants failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development. There was no exceptional circumstance to justify approval of the application.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/547 Renewal of Planning Approval for Temporary “Open Storage of Vehicles (Including New/Used Left Hand or Right Hand Vehicles) for Sale” Use under Application No. A/YL-KTS/423 for a Period of 3 Years in “Agriculture” zone, Lots 512 RP (Part) and 515 (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/547)

Presentation and Question Sessions

135. 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 renewal of planning approval for temporary open storage of vehicles (including new/used left hand or right hand vehicles) for sale use under Application No. A/YL-KTS/423 for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. He, however, indicated that there was no environmental complaint against the site in the past three years;
- (d) one public comment from two local residents of Yuk Yat Garden was received during the first three weeks of the statutory publication period. The commenter objected to the application as the development was too close to the residential dwellings, which might cause environmental nuisance to the residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where planning permission could be granted on a temporary basis up to a maximum period of three years, subject to the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The site and the surrounding area consisted of a mixture of open storage/storage yards and workshops with scattered residential structures and agricultural land bounded by major roads and Kam Tin River. The Director of Agriculture, Fisheries and Conservation

considered that the site had low potential for agricultural rehabilitation and had no strong view on the application. It was considered that granting of temporary planning permission would not frustrate the long-term planning intention of the “Agriculture” zone. The application being a renewal application was in line with the TPB Guidelines No. 13E and TPB Guidelines No. 34B in that previous approval had been granted at the site and all the approval conditions had been complied with; no adverse comment on the current application from the relevant departments, except DEP, had been received; and there had been no major change in the planning circumstances since the last approval. While DEP did not support the application as there were residential structures/dwellings in the vicinity of the site, no environmental complaint on the site had been received in the past three years. To address the concern of DEP, approval conditions restricting the operation hours and prohibiting storage/sales of vehicle parts and repairing, dismantling, cleansing, paint-spraying and workshop activities were recommended. A local objection against the application on environmental grounds had been received. It should, however, be noted that major residential settlements including Yuk Yat Garden in the area were separated from the open storage/storage yards (including the subject development) and workshops by Kam Tin Road. Besides, the development was for open storage of private vehicles only.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, from 27.9.2011 until 26.9.2014, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no storage/sales of vehicle parts and no repairing, dismantling, cleansing, paint-spraying and workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the existing landscape plantings/vegetation on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site 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 26.3.2012;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.3.2012;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 26.6.2012;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect

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

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

138. 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 the District Lands Officer/Yuen Long that the private land involved comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. The site was accessible through an informal track on government land (GL) extended from Kam Tin Road. Lands Department did not provide maintenance works on this GL nor guarantee right of way;
- (c) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of 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 Engineer/Mainland North, Drainage Services Department that the existing drainage facilities should be

maintained in good condition and the development should not cause any adverse drainage impact to the adjacent areas;

- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid polluting the nearby watercourse by controlling site run-offs during operation as far as practicable;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the development, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit the relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans 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. In formulating FSIs proposal, the applicant was advised that for open storage of vehicles, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from provision of certain FSI as prescribed above, he was required to provide justifications to his department for consideration; and
- (i) to note the comment of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of

all unauthorized works in the future.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/622 Temporary Vehicle Repair Workshop
for a Period of 3 Years in “Agriculture” zone,
Lot 303 (Part) in D.D. 110, Tsat Sing Kong, Yuen Long
(RNTPC Paper No. A/YL-PH/622)

Presentation and Question Sessions

139. 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 vehicle repair workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. He, however, pointed out that there was no environmental complaint against the site in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there were existing mature trees within the site boundary but the applicant had failed to demonstrate that these trees would be preserved and protected. Besides, since the surrounding landscape was mainly rural in nature, approval of the application might encourage more similar development into the “Agriculture” (“AGR”) zone thus resulting in further downgrading of the local landscape character;

- (d) two public comments were received during the first three weeks of the statutory publication period. While a Yuen Long District Council member objected to the application as the applied workshop use was close to residential dwellings, Designing Hong Kong Ltd objected to the application on the grounds that the development was incompatible with the planning intention of the area and the development would cause adverse environmental impacts on the surrounding area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No.13E where sympathetic consideration might not be given unless the applications were on-site with previous planning approvals. The applied vehicle repair workshop was incompatible with the surrounding agricultural and rural residential uses. CTP/UD&L of PlanD had reservation on the application as the subject “AGR” zone was acting as a buffer between the “Village Type Development” zone to the northwest, the “Conservation Area” zone to the north and the “Open Storage” zone to the south. Although there were storage yards in the vicinity of the site, they were mostly suspected unauthorized developments. The applied use was not in line with the planning intention of the “AGR” zone and no strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No. 13E in that there was no previous approval granted at the site and there were adverse comments from DEP and CTP/UD&L of PlanD on the application. Moreover, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the proposed development would not generate adverse environmental and landscape impacts on the surrounding area. Although one similar application (No. A/YL-PH/618) for temporary open storage use in the same “AGR” zone had been approved by the Committee, this application was approved in view of its special background. The other 17 similar applications involving open storage and workshop uses in the same “AGR” zone were all rejected by the Committee or by the Board on review. In

this regard, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications. Besides, there were two public comments against the application on the grounds of environmental impact, violation of planning intention and setting of undesirable precedent.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 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 “Agriculture” (“AGR”) zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval had been granted for the applied use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The proposed development was also not compatible with the agricultural and rural residential uses in the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in the

encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/623 Temporary Open Storage of Sand and Bricks
for a Period of 3 Years in “Residential (Group D)” zone,
Lot 55 (Part) in D.D. 108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/623)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of sand and bricks for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. He further pointed out that three environmental complaints on the site had been received in the past three years. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was located within a rural landscape setting and the site had been cleared of vegetation and was currently used as open storage;
- (d) one public comment from the representatives of the villagers and indigenous villagers of Ta Shek Wu Tsuen was received during the first three weeks of the statutory publication period. The commenter objected

to the application as the vehicular movement of heavy vehicles generated by the development would damage the village road, and cause pollution nuisance to the local residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where sympathetic consideration might not be given unless the applications were on-site with previous planning approvals. The development was considered not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and there was no strong planning justification for a departure from the planning intention, even on a temporary basis. Notwithstanding that there were storage/open storage yards, warehouses, workshops and parking lots in the area, most of which were suspected unauthorized developments, the development was not compatible with the residential structure/dwelling in the surroundings. Besides, the development was located close to large woodlands zoned “Conservation Area” to its north, northeast and southeast. The application did not comply with the TPB Guidelines No. 13E in that there was no previous approval granted at the site and there were adverse departmental comments from DEP and CTP/UD&L of PlanD and local objection. The two previous applications No. A/YL-PH/529 for proposed temporary vehicle park for heavy vehicles (including container vehicles) and No. A/YL-PH/542 for similar open storage use all submitted by the same applicant were rejected by the Committee on 3.11.2006 and 27.7.2007 respectively and other similar applications located at the northern part of the “R(D)” zone were also rejected by the Committee or the Board on review. There was no major change in the planning circumstances that warranted a departure from the Committee's previous decisions. In addition, no submission had been made to demonstrate that the development would not generate adverse drainage impact. In this regard, the current application did not warrant sympathetic consideration. The approval of the application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent

for similar applications. Besides, a local objection to the application was received on the grounds that the development would damage the local road and cause air pollution and noise nuisance.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 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 primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board (TPB). No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the TPB Guidelines No. 13E in that no previous approval had been granted at the site, no technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas, and there were adverse departmental comments and local objection against the application. The development was also not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a

general degradation of the rural environment of the area.

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-TYST/546 Temporary Shop and Services (Temporary Traffic Engineering Highway Sub-station and Sales Office of Traffic Engineering Equipment with Ancillary Display Area) for a Period of 3 Years in “Residential (Group D)” zone,
Lots 969 (Part) and 972 RP (Part) in D.D. 121 and
Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/546)

145. The Committee noted that the applicant’s representative requested on 1.9.2011 for a deferment of the consideration of the application for two months so as to allow time for him to refine the site layout and address the departmental comments on the application.

146. 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 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/547 Temporary Open Storage of Building and Recycling Materials, Construction Machinery, Used Electrical/Electronic Appliances, Cargo Compartments with Ancillary Packaging Activities and Parking of Municipal Vehicles for a Period of 3 Years in “Undetermined” zone,
Lot 1463 S.B ss.1 (Part) in D.D. 119, Lots 2720 RP, 2722 RP, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734 (Part), 2735, 2736 RP (Part), 2737 RP (Part) and 2738 (Part) in D.D. 120 and Lots 1678 RP, 1679 RP, 1681 RP, 1682 (Part), 1683 (Part), 1684 (Part), 1685, 1686, 1687, 1688, 1689, 1690, 1691 (Part), 1692 and 1693 in D.D. 121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/547)

147. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Ltd, which was the consultant for the applicant. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building and recycling materials, construction machinery, used electrical/electronic appliances, cargo compartments with ancillary packaging activities and parking of municipal vehicles for a period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. He further pointed out that there were five environmental complaints on air pollution in July and September 2009 concerning odour from the storage of waste plastic bottles;
- (d) one public comment from a Yuen Long District Council member was received during the first three weeks of the statutory publication period. The commenter objected to the application as the movement of goods and the carrying out of packaging activities would generate noise nuisance to the nearby residents and the sewage discharge from the municipal vehicles would cause land and water pollution to the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of one year, instead of three years as proposed by the applicant, based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would normally be given to applications within these areas. The site was zoned “Undetermined” (“U”) on the OZP mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport had not raised any concerns on the traffic impact on Kung Um Road generated by the development. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The application was in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the stipulation of relevant approval conditions. There were similar applications in this part of the “U” zone that had been approved with conditions. The development was not incompatible with the surrounding areas which were mixed with open storage yards and vehicle repair workshops. Although DEP did not support the application, the environmental complaints had been resolved upon removal of the waste and the applicant proposed not to operate the site during night time. As regards the concern on possible soil and groundwater contaminations, the

applicant proposed to store such appliances only under covered structures on paved grounds. To further address DEP's concerns, approval conditions restricting the operation hours, the storage and handling of used electrical/electronic appliances and parts within covered structures on paved grounds only, and prohibiting workshop activities other than packaging were recommended. Other than DEP, government departments consulted had no adverse comment on the application. The last planning approval under Application No. A/YL-TYST/418 for similar temporary open storage submitted by the same applicant was revoked due to non-compliance of the approval condition which prohibited the carrying out of workshop activities. The applicant, in the current application, pledged not to carry out dismantling or workshop activities other than ancillary packaging activities. Given the applicant's commitment and the imposition of a relevant approval condition to ensure implementation of the committed measures, the application might be tolerated but subject to a shorter approval period of one year to monitor the situation on-site. There was a public objection to the application concerning the possible environmental impact caused by the development. In this regard, relevant approval conditions were recommended to address the environmental concerns.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 23.9.2012, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.12.2011;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.12.2011;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2012;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.12.2011;

- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

151. 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) shorter approval period was allowed to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the site;

- (e) to note the comments of the District Lands Officer/Yuen Long that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as storage and ancillary office use. Whilst applications for Short Term Waiver at Lots 2729, 2730, 2731 and 2732 in D.D. 120 and Lots 1678 RP, 1679 RP, 1684 and 1691 in D.D. 121 had been received, the owners of the remaining lots concerned still needed to apply to his office to regularize any irregularities on-site. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such applications were approved, they 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 Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Part of the government land was temporarily allocated to the Drainage Services Department for the 'PWP Item 4368DS (part-upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers' project;

- (f) to note the comments of the Commissioner for Transport that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments 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 Kung Um Road;

- (h) 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;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that quite a number of trees were found dead or missing along the site perimeters. Replacement planting was required;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (k) to note the comments of the 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. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements that, for other open storage, open shed or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of the proposed FSI should be clearly marked on the layout plans; the type of Structures No. 3 to 8, 18 and 21 to 25 should be provided; whether there was any separation between Structures No. 3 to 5, Structures No. 6 to 9, Structures No. 21 to 23 and Structures No. 24 and 25 should be clarified; and the good practice guidelines for open storage in Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his department for consideration;
- (l) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that the unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. Container used as office and storage was considered as temporary building and 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 the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and

- (m) 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.

[The Chairman thanked Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.K. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lai, Kan, Fung and Yuen left the meeting at this point.]

Agenda Item 36

Any Other Business

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