

TOWN PLANNING BOARD

**Minutes of 454th Meeting of the
Rural and New Town Planning Committee held at 9:20 a.m. on 2.12.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. K.C. Siu

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

Assistant Director/New Territories
Lands Department
Mr. Edwin W.K. Chan

Assistant Director (2), Home Affairs Department
Mr. Eric K.S. Hui

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

Secretary

Absent with Apologies

Mr. Walter K.L. Chan

Mr. B.W. Chan

Dr. James C. W. Lau

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Mr. Rock C.N. Chen

Dr. W.K. Lo

Dr. W.K. Yau

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Miss Chu Hing Yin

Town Planner/Town Planning Board

Ms. Cindy K.F. Wong

[As there were sufficient official members, Mr. Eric Hui and Mr. K. C. Siu were invited to leave the meeting. Mr. Hui and Mr. Siu left the meeting at this point.]

Agenda Item 1

Confirmation of the Draft Minutes of the 453rd RNTPC Meeting held on 18.11.2011

[Open Meeting]

1. The draft minutes of the 453rd RNTPC meeting held on 18.11.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-LI/1

Application for Amendment to Approved Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/9 from “Agriculture”, “Conservation Area” and “Coastal Protection Area” to “Comprehensive Development Area (1)” and to incorporate part of the seabed at Tung O Wan to the east of the application site which was currently not covered by the OZP into the OZP and zone it as “Comprehensive Development Area (1)” with a maximum plot ratio of 0.6, and maximum building height of 3 storeys on land and 4 storeys on marina, Various Lots and Adjoining Government Land in D.D. 7 and D.D.9, Tung O, Lamma Island (RNTPC Paper No. Y/I-LI/1)

3. The Secretary reported that Mr. Y. K. Cheng had declared an interest in this item

as he held directorship of a company and this company had active business dealing with The Baroque on Lamma Limited (BoL), the applicant of the application. Members agreed that, as Mr. Y. K. Cheng had direct involvement in the application, Mr. Cheng should leave the meeting temporarily.

[Mr. Y. K. Cheng and Mr. W.K. Edwin Chan left the meeting temporarily at this point.]

4. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this item as she had current business dealings with the BMT Asia Pacific Ltd., one of the consultants of the application. As Miss Kwong did not have direct involvement of the application, Members agreed that Ms. Kwong could stay in the meeting.

5. The Committee noted that on 1.12.2011, the applicant's representative requested for deferment of the consideration of the application for two weeks until 16.12.2011 to allow additional time to prepare for the meeting.

6. After deliberation, the Committee decided to defer a decision of the application for two weeks as requested by the applicant. The Committee agreed that the application should be submitted for its consideration on 16.12.2011.

[Mr. Y.K. Cheng and Mr. Edwin W. K. Chan returned to join the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting and Mr. Anthony K.O. Luk, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/447 Temporary Open Storage of Drainage Pipes and Water Pipes
and Workshop for a Period of 3 Years in “Recreation” zone,
Lot 567 S.B RP (Part) in D.D. 85 and Adjoining Government Land,
Lau Shui Heung Road, Fanling
(RNTPC Paper No. A/NE-LYT/447)

Presentation and Question Sessions

7. 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 temporary open storage of drainage pipes and water pipes and 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 application site and along the access road, and environmental nuisance was expected. Besides, one air pollution complaint regarding the application site was received in July 2009. The complainant lodged a complaint about air nuisance caused by the machines located at Lot 567 in D.D. 85, Lau Shui Heung Road. During site inspections from July to August 2009, no air nuisance was spotted and there was no violation of environmental ordinances. The operator-in-charge was reminded to take appropriate measures to prevent air nuisance. As advised by the complainant in August 2009, the situation had been improved;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Vice-Chairman of the Fanling District Rural Committee

(FDRC) had raised objection to the application on the grounds that agricultural land was not suitable for open storage use, traffic would be overloaded and the development would cause pollution problem. During the first three weeks of the statutory public inspection period, one public comment indicating 'no comment' was received from a North District Council (NDC) member; and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was not in line with the planning intention of “Recreation” (“REC”) zone. However, there was no known programme or intention to implement the zoned use at the application site which had been used as sawmill for a long time. Hence, the approval of the application for a temporary use at the site for three years would not jeopardize the long-term planning intention of the “REC” zone;
 - (ii) the application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was previous approval using the site for temporary warehouse of building materials. The nature of uses under the current application was considered similar to that of the previous planning approval and the current application did not involve any increase in the covered area or addition of new structures or redevelopment. There had been no material change in the planning circumstances and no major change in the surrounding land uses. Hence, sympathetic consideration could be given to the current application;
 - (iii) regarding DEP's comment, it was noted that no violation of environmental nuisances was spotted by DEP during site inspections.

Besides, the concern of DEP on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions restricting the operation hours and days of the development; and

- (iv) on the local objection, it was noted that the application site was paved and unlikely to be used for agricultural activities. Besides, Commissioner for Transport had no adverse comment on the application. Regarding the potential environmental pollution, relevant approval conditions would be imposed. As the previous planning approval was revoked, a shorter compliance period was proposed to monitor the progress of compliance of the approval conditions.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the submission of proposals of loading/unloading, parking and manoeuvring space arrangement within the application site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 2.3.2012;

- (d) in relation to (c) above, the implementation of proposals of loading/unloading, parking and manoeuvring space arrangement within the application site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 2.6.2012;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.3.2012;
- (f) in relation to (e) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.6.2012;
- (g) the provision of the fire extinguisher(s) within 6 weeks including submission of certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2012;
- (h) the submission of proposals of water supplies for fire fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.3.2012;
- (i) in relation to (h) above, the implementation of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (j) 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 2.3.2012;
- (k) in relation to (j) 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 2.6.2012;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods for approval conditions were imposed in order to closely monitor the progress of compliance with approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/North, Lands Department as follows:
 - (i) the owner of the lot should be advised to apply to the District Lands Office/North for Short Term Waiver (STW) and a Short Term Tenancy (STT) for regularization of the structures. There was no guarantee that the STW and STT would be granted to the applicant. If the STW and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the

Government should deem fit to do so including the payment of STW/STT fees; and

- (ii) to obtain permission from concerned private lot owners regarding the provision of vehicular access on private land;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as follows:
- (i) the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
 - (ii) for submission of drainage proposal, the applicant should note the following:
 - U-channel with grating cover should be constructed along the periphery of the application site to intercept rain water falling onto the application site. A catch-pit should be provided at each interception point of the proposed surface channels to avoid spillage of the collected storm-water; and
 - for submission of drainage proposal, the applicant should also refer to the “Technical Note to prepare a drainage submission relating to applications for temporary change such as temporary storage areas, car parks, workshops, small factories...etc. under S.16 of the Town Planning Ordinance” available from the Drainage Services Department’s website (<http://www.dsd.gov.hk>) for guidance;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:

- (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
- (i) if the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works were to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) if the proposed use under application was subject to the issue of a

licence, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;

- (v) the temporary converted containers for site office / storage / meter room and open shed were considered as temporary buildings which were subject to control under the Building (Planning) Regulations (B(P)R) Part VII;
 - (vi) the site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D;
 - (vii) if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; and
 - (viii) formal submission under the BO was required for any proposed new works, including any temporary structures.
- (h) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
 - (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of BD, the applicant was required to send the relevant layout plans to Fire Services Department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:

- the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (iii) to note his comments on the FSIs proposal at Appendix IV of the Paper; and
- (iv) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation to implement appropriate measures to avoid polluting the stream nearby;
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one tree was found dead and five trees were in fair health condition. In addition, it appeared that most of the tree planting in the previous application (No. A/NE-LYT/393) was missing and replacement of the dead trees and missing trees were required; and
- (k) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/448 Renewal of Planning Approval for Temporary Convenience Store and Public Vehicle Park for Private Cars and Light Goods Vehicles under Application No. A/NE-LYT/385 for a Period of 3 Years in “Village Type Development” zone, Lot 1422 RP (Part) in D.D. 83 and Adjoining Government Land, San Uk Tsuen, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/448)

Presentation and Question Sessions

11. 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 - renewal of planning approval for temporary convenience store and public vehicle park for private cars and light goods vehicles under Application No. A/NE-LYT/385, which would be valid until 5.12.2011;
- (b) as compared with the previous application No. A/NE-LYT/385, the current application had a change in the site boundary resulting in reduction in the site area, there were also changes including minor change in disposition of parking spaces and convenience store and the conversion of one structure from convenience store to ancillary office;
- (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 along the access road, and environmental nuisance was expected. Besides, one complaint (on air, waste and noise pollution) regarding the application site was received in the past three years. On 20.4.2010, the complainant complained about the emission of exhaust gas

from vehicles, noise nuisance and dumping of industrial waste arising from the car park at the application site. During the inspections on 23.4.2010 and 5.5.2010, no violation of environmental ordinances was spotted and a written reply was issued to the complainant on 17.5.2010 for reporting the investigations;

- (d) one public comment, indicating ‘no comment’ from a North District Council Member, was received during the first three weeks of the statutory publication period. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Fanling District Rural Committee (FDRC), Residents Representative (RR) and Indigenous Inhabitants Representatives (IIRs) of Lung Yeuk Tau had raised objections to the application on the following grounds:
 - (i) the access road to the carpark was very narrow and it was not suitable for the use of heavy vehicles. Pedestrians and vehicles would compete for usage of the road and this would cause danger to pedestrians;
 - (ii) frequent travelling of vehicles would cause serious noise and air pollutions, affecting daily livelihood of residents especially at night time;
 - (iii) the design of the access road was inappropriate;
 - (iv) the application site was not suitable for the use of convenience store; and
 - (v) there were outsiders or strangers frequently entering / leaving the village and thus the public order within the village was affected; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper, which were summarised below:

- (i) the application generally complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPG PG-No.34B) in that the applicant had demonstrated genuine efforts in complying with all the previous approval conditions of planning approval under Application No. A/NE-LYT/385. There had been no material change in the planning circumstances and no major change in the surrounding land uses since the approval of the previous application;
- (ii) the application site fell entirely within the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of San Uk Tsuen. There was currently no known programme or intention to implement the zoned use at the application site as District Lands Officer/North, Lands Department had not received any application for Small House development on the site. Approval of this renewal application for temporary use should not jeopardize the long-term planning intention of the “V” zone. Besides, the temporary public vehicle park and convenience store uses were considered not incompatible with the surrounding land uses;
- (iii) in view of the nature and small-scale operation of the temporary convenience store (about 26.11 m²) and the operation hours of the temporary public vehicle park and convenience store (from 9:00 a.m. to 9:00 p.m. and 11:00 a.m. to 6:00 p.m. respectively), the temporary uses would unlikely cause adverse traffic, drainage and landscape impacts on the surrounding areas;
- (iv) the concern of DEP on the possible environmental nuisance to be caused by the applied sites could be addressed through the incorporation of approval conditions restricting the operation hours of the applied uses, the maximum number of vehicles to be parked, and prohibition of parking of vehicles other than private cars and light

goods vehicles; and

- (v) regarding the local objections to the application conveyed by DO(N) which were mainly on traffic and environmental grounds, it was noted that the concerned government departments had no adverse comment on or no objection in-principle to the application. Besides, their concerns could be addressed through incorporation of approval conditions on restriction of operation hours and prohibition of parking of vehicles other than private cars and light goods vehicles and prohibition of number of car parking spaces.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.12.2011 until 5.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 9:00 a.m. for the temporary public vehicle park and no operation between 6:00 p.m. and 11:00 a.m. for the temporary convenience store and office, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no more than 25 car parking spaces should be provided within the application site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no vehicles without valid licence issued under the Road Traffic Ordinance

were allowed to be parked/stored within the application site during the planning approval period;

- (e) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the submission of drainage proposals 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 5.6.2012;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 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 5.9.2012;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 5.6.2012;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2012;
- (j) the submission of proposals of water supplies for fire fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.6.2012;
- (k) in relation to (j) above, the implementation of proposals of water supplies

for fire fighting and 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 5.9.2012;

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

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

- (a) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot should be advised to apply to his office for a Short Term Waiver (STW) and a Short Term Tenancy (STT) for the proposed and existing structures and the regularization of unauthorized occupation of government land. There was no guarantee that the STW and STT would be granted to the applicant. If the STT and STW were granted, the grants would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW/STT fees/rent;
- (b) to note the comments of the Commissioner for Transport that the vehicular access leading to the application site was not under Transport Department's management. The applicant was advised to check the land status of the accesses with the lands authority. The management and maintenance

requirements of the accesses should also be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (f) to note the comments of the Director of Fire Services as follows:

- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed;
- (ii) in such circumstances, except where building plan was circulated to the Centralized Processing System of BD, the applicant was required to send the relevant layout plans to Fire Services Department (Address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval, In doing so, the applicant should note that:
 - the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
 - the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submission of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal; and
- (g) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/766 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone, Government land near Lot 376 in D.D. 171, Ma
Niu Village, Sha Tin
(RNTPC Paper No. A/ST/766)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site formation works of the proposed Small House site might adversely affect an existing woodland nearby. Moreover, the approval of the application would set an undesirable precedent for other similar development proposals in the “Green Belt” (“GB”) zone. The cumulative effect of approving such proposals would result in a general degradation of the environment in the area;
- (d) two public comments from the Chairman of Sha Tin Rural Committee and Sha Tin District Council Member were received during the first three weeks of the statutory publication period. They supported the application on the following grounds:

- (i) the village representatives of Ma Niu Village considered that there was not enough Small Houses sites in the village to meet the demand and they supported the application; and
 - (ii) the application site was close to the major access but it had not been developed. It was a suitable location for Small House development such that the indigenous villagers could execute their rights for construction of Small Houses.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the proposed Small House development generally complied with the Interim Criteria for Consideration of Planning Applications for NTEH/Small House development in the New Territories in that the application site and the proposed Small House footprint fell entirely within the village 'environs' of Ma Niu Village and there was a general shortage of land in the "Village Type Development" ("V") zone of the same village to meet the demand for Small House development;
 - (ii) although the application site fell within the "GB" zone, it was located in close proximity to the "V" zone and the proposed Small House was not incompatible with the adjacent village houses and the rural character of the surrounding environment. It was considered that the application was generally in compliance with the "Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance" (TPB PG-No. 10). While CTP/UD&L had concerns over the site formation works, no significant landscape resources were identified and extensive site formation works were not anticipated; and

- (iii) there was no local objection against the application and two public comments were received during the first three weeks of the statutory publication period. They supported the application mainly on the grounds that there was not enough land in the village for Small Houses development to meet the demand of villagers and the indigenous villagers had their rights to construct Small Houses.

16. Members had no question on the application.

Deliberation Session

17. The Chairman said that there were some existing village houses to the east of the application site and the proposed house development was considered not incompatible with the surrounding environment. Members agreed.

18. 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 2.12.2015, 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 condition :

- provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Shia Tin, Lands Department that approval to Small House grant was not automatic even though section 16 approval from the TPB had been obtained. The grant was subject to all criteria being met and all relevant factors being considered;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public sewerage system at Ma Niu Village was

planned to be implemented under the project – Tolo Harbour Sewerage of Unsewered Areas Stage. Upon completion of the public sewerage system at Ma Niu Village, the Environmental Protection Department might require the owners to make proper sewer connection from their premises into the public sewer at their own cost. The connection of public sewer would be subjected to site constraints and prevailing site conditions when the sewerage infrastructure at Ma Niu was completed;

- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon formal referral from LandsD; and
- (d) the applicant should implement preventive measures to avoid causing disturbance to the seasonal stream nearby.

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

Tuen Mun and Yuen Long District

[Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. K.K. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/225 Temporary Diesel Oil Filling Station for a Period of 1 Year
in “Residential (Group D)” zone,
Lot 1201 RP (Part) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/225)

Presentation and Question Sessions

20. 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 temporary diesel oil filling station for a period of one year;
- (c) departmental comments – the Commissioner for Transport (C for T) advised that the access to the site was via local village roads and Wong Kong Wai Road which was only a single track access road. In order to assess whether there would be adverse traffic impact on the village environment, the applicant needed to provide traffic generation forecast. the Director of Fire Services (D of FS) advised that he had no objection to the proposal subject to the provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the D of FS. As the site was proposed to be used as diesel oil filling station and it was likely that there would be activities involving storage/use of Dangerous Goods, the applicant/operator of the site was advised to approach the Dangerous Goods Division of the Fire Services Department for advice on licensing of the premises for the purposes where necessary;

[Mr. Edwin Chan left the meeting at this point.]

- (d) one public comment from The First Vice-chairman of Tuen Mun Rural Committee was received during the first three weeks of the statutory publication period. The commenter supported the application and stated that safety measures were needed in order to avoid adverse impacts on the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below:

- (i) the planning intention for the “Residential (Group D)” (“R(D)”) zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. The temporary diesel oil filling station was not considered to be in line with the planning intention of the “R(D)” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention of the “R(D)” zone, even on a temporary basis;
- (ii) the proposed development was considered not compatible with the residential dwellings to the east and north of the site. The applicant had not submitted any information to demonstrate that the temporary development would not generate adverse traffic impact on the village roads, and adverse fire risk implications on the nearby residents. In this regard, the C for T had requested for traffic forecast for his reference, and the D of FS had commented that emergency vehicular access, water supplies for fire fighting and fire service installations needed to be provided; and
- (iii) 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 environment.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the planning intention for the “Residential (Group D)” (“R(D)”) zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. The temporary development was not in line with the planning intention for the “R(D)” zone. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the temporary development was not compatible with the nearby residential dwellings to the east and north of the application site;
- (c) the applicant failed to demonstrate that the temporary development would not generate adverse traffic impacts on the village roads and fire risk implications on the nearby residents; and
- (d) 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 impact of approving such applications would result in a general degradation of the environment.

[The Chairman thanked Mr. K. C. Kan, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Kan left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/229 Temporary Open Storage of Marble and Construction Materials
with Ancillary Minor Workshop for a Period of 3 Years
in “Residential (Group E)” and “Recreation” zones,
Lots No. 2219 RP (Part) and 2226 (Part) in D.D. 129 and
Adjoining Government Land, Deep Bay Road, Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/229)

Presentation and Question Sessions

23. 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 marble and construction materials with ancillary minor 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 (residential dwellings) in the vicinity of the site (with the closest dwelling being about 3 m away) and along the access road (Deep Bay Road), and environmental nuisance was expected. Besides, one substantiated pollution complaint against the site was received in 2011 regarding noise from loading and unloading activities. The operator had been advised to reduce noise from operations. Commissioner for Transport (C for T) also indicated that the section of Deep Bay Road abutting the site was a prohibited zone for vehicles longer than 10m;
- (d) two public comments were received during the first three weeks of the

statutory publication period. One of the commenters objected to the application on the grounds that the site was near her residence, and the development would destroy her living and create pollution. The other commenter objected to the application on the grounds of heavy vehicular traffic on the narrow Deep Bay Road causing inconvenience to residents; operations at night time causing noise and dust impacts affecting tourists and residents; accidents, fire incidents and burglaries had happened in open storage/recycling yards in recent years; metal storage had caused ground water contamination; operators had lacked of self-discipline; and the departments were unable to enforce the laws/approval conditions. The commenter considered that applications for open storage uses should be rejected in view of the development of the area into a tourism node; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was incompatible with the residential dwellings to its immediate southwest, east and northeast. In this regard, DEP considered that the applied use would cause environmental nuisance to the sensitive receivers in the vicinity of the site and along the access road (Deep Bay Road), and did not support the application. Moreover, she received a substantiated complaint against noise pollution arising from the loading and unloading activities at the site;
 - (ii) despite the Committee's repeated tolerance under the last two approved Applications No. A/YL-LFS/186 and 211 for similar open storage uses at the site on sympathetic grounds, the applicant had failed to pay effort to comply with the approval conditions. The permission of Application No. A/YL-HT/186 was revoked on 19.5.2009 due to non-compliance with approval conditions on the submission of a condition record of drainage facilities on-site, the submission and implementation of run-in proposals, and the provision of fencing. Application No. A/YL-LFS/211 was revoked on

25.10.2011 due to non-compliance with approval condition on no heavy vehicle was allowed for the operation of the site. The applicant was warned under Application No. A/YL-LFS/211 that no favourable consideration to further planning application might be given if the permission was again revoked for non-compliance with the approval conditions within the specified time; and

- (iii) the application did not meet the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there were major adverse departmental/local comments and the applicant had not indicated in the submission that she would not use vehicles longer than 10m for the operation of the site, and was willing to comply with the Committee's approval conditions to address such adverse comments so that the development would not generate traffic concerns or noise nuisance on the nearby residential dwellings, notably those to its immediate southwest.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to reject the application. The reason was :

- the applicant failed to demonstrate that the development would not generate environmental nuisance on the residential dwellings in the vicinity and along the access road and that the approval conditions imposed by the Town Planning Board could be complied with.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/268 Renewal of Planning Approval under Application No. A/YL-NTM/205 for Temporary Container Trailer and Tractor Park for a Period of 5 Years in “Open Storage” zone, Lots 161, 162, 165, 166, 168 (Part), 169 to 176, 178 to 181, 190 to 192, 193 (Part) and 195 in D.D. 98, Lots 2882 (Part), 2883, 2884 and 2885 (Part) in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/268)

Presentation and Question Sessions

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

- (a) the site was the subject of a previous planning application No. A/YL-NTM/205 for the same use for a period of five years, which was approved by the Committee on 5.1.2007 until 5.1.2012;
- (b) renewal of planning approval under Application No. A/YL-NTM/205 for temporary container trailer and tractor park for a period of 5 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 (the closest being about 30 m away) and environmental nuisance was expected. However, there was no complaint against the site in the past three years;
- (d) one public comment from a member of Yuen Long District Council (YLDC) was received during the first three weeks of the statutory publication period. As the site involved government land, he queried

about the application on whether LandsD had agreed to rent out the government land for such purpose in the past few years; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of five years based on the assessments set out in paragraph 12 of the Paper which was summarised below:
 - (i) the temporary container trailer and tractor park was generally in line with the planning intention of the “Open Storage” (“OS”) zone. Besides, the development at the site was not incompatible with the surrounding uses in the subject “OS” zone which was predominantly occupied by open storage yards and car washing/repair workshops;
 - (ii) this application was to renew the planning permission under application No. A/YL-NTM/205 for temporary container trailer and tractor park for another five years. There had been no material change in the planning circumstances since the previous approval. Moreover, the applicant had complied with all planning conditions under the previous approval. Hence, in accordance with the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B), renewal of the permission for another five years could be given favourable consideration;
 - (iii) the development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was generally no adverse comment from the concerned government departments. DEP did not support the application because there were sensitive uses near the site. However, no environmental complaint had been received in the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions to restrict the operation hours of the

applied use had been recommended;

- (iv) five similar applications for container tractor/trailer park within the same “OS” zone were approved by the Committee in 2011. Approval of the current application was in line with the Committee’s previous decisions; and
- (v) regarding the public comment received, it was noted from District Lands Officer/Yuen Long, Lands Department that a short term tenancy had been granted to allow occupation of the government land within the site for the purpose of temporary container trailer and tractor park since 2003.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years from 6.1.2012 until 5.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;

- (e) 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 5.7.2012;
- (f) the submission of fire service installations (FSI) 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 5.7.2012;
- (g) in relation to (f) above, the provision of FSI proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.10.2012;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) 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.

29. 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, Lands Department (LandsD) that the land under application were Old Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures straddling on private lots as car-washing facilities, site offices, television room, canteen, washroom/kitchen and storage. A Short Term Tenancy (STT) No. 2021 had been granted to allow for occupation of about 2,410

m² of government land (GL) within the application site with permitted built-over area not exceeding 180 m² and a height not exceeding 7.3m for the purpose of temporary container trailer and tractor park. The site was accessible to Kwu Tung Road via an informal local track on private land and GL. His office provided no maintenances work for the GL and did not guarantee right-of-way. The lot owner would still need to apply to his office to permit structures to be erected on Lots No. 162, 168, 169, 192, 193 or regularize any irregularities detected. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the site was connected to an unknown 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;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (e) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection (DEP) in order to minimize the possible environmental nuisance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that DSD would inspect the completed drainage works jointly with the applicant with reference to the

set of photographs and marked-up as-built drainage plan. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of the Paper;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site was in vicinity to an area zoned “Conservation Area” (“CA”) on the Outline Zoning Plan and the applicant should adopt necessary measures to prevent disturbing the “CA” area during the planning approval period;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of the Paper.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/293 Temporary Forklift Training Centre with Ancillary Facilities
for a Period of 3 Years in “Agriculture” zone,
Lots 2269 S.B ss.1 (Part), 2270 S.A (Part), 2270 S.B (Part),
2271 (Part), 2272 and 2273 (Part) in D.D. 118 and
Adjoining Government Land, Sung Shan New Village, Yuen Long
(RNTPC Paper No. A/YL-TT/293)

Presentation and Question Sessions

30. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this item as she had current business dealings with the BMT Asia Pacific Ltd., the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

31. Mr. K.K. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary forklift training centre with ancillary facilities for a period of three years;
- (c) departmental comments – no adverse comment from concerned government departments was received;
- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was received from a local villager who objected to the application as she considered that the development had created noise and air pollution on the surrounding area. Moreover, there had already been a lot of storage yards and machinery training centres in the area, which were not desirable uses. The heavy goods vehicles travelling along the narrow village track would endanger the safety of the villagers; and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) planning permission for the same use at the site had been granted

since 28.1.2000 and the development had existed continuously since then. There had been no major change in the site circumstances since the last approval, except that a portion of land to the south was now excluded from the application site. The development could be tolerated and approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone;

- (ii) the development was not expected to generate significant environmental impact on the surrounding areas. To address possible concerns on the environmental impact, approval conditions restricting the operation hours, prohibiting the driving of forklift trucks outside the site and prohibiting workshop activities and the use of medium or heavy goods vehicles were recommended; and
- (iii) regarding the local objection received, it was noted that the concerned departments had no adverse comment on the application. Relevant approval conditions were recommended to minimize and mitigate any potential impacts on the surrounding areas.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.12.2014, 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 5:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no forklift truck was allowed to be driven in to/out from the application site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.6.2012;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.9.2012;
- (k) if any of the above planning condition (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;

- (l) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that parts of Lots 2223 and 2270 S.A in D.D. 118 were covered by Short Term Waiver No. 2422 which allowed the use of the land for the purpose of forklift training centre with ancillary facilities with permitted built-over area (BOA) not exceeding 1,075 m² and height not exceeding 7.4m, and part of the government land adjoining Lots 2222, 2223, 2270 S.A and 2273 in D.D. 118 were covered by Short Term Tenancy No. 2443 for the purpose of forklift training centre with ancillary facilities with permitted BOA not exceeding 319 m² (about) and height not exceeding 6m. The lot owners and occupiers of the government land concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such applications would be considered by 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 village

track on government land and other private land extended from Tai Shu Ha Road East. His office did not provide maintenance works for such track nor guarantee right-of-way;

- (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 that the existing vehicular access leading to the site was not maintained by his department;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that 3 numbers of severely topped Ficus benjamina (垂葉榕) next to a temporary structure at the north-eastern edge of the site were found to be in poor condition. Replacement planting for the 3 topped trees was required;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. The applicant should advise to submit 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, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his department for consideration; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/556 Proposed Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots 424 RP (Part), 425 RP (Part), 426 RP (Part), 427, 428, 429, 432 RP (Part), 438 RP, 439 RP (Part), 440 (Part), 441, 442, 443, 444 (Part), 445 (Part), 447 (Part), 475 S.A ss.1 (Part), 475 S.A (Part), 475 S.B, 476, 477, 478, 479, 480, 481, 482, 483, 484 (Part), 492 and 2157 in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/556)

Presentation and Question Sessions

35. 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 Limited, one of the consultants of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

36. Mr. K.K. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary packaging activities for a period of three years;
- (c) the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
 - (i) the Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past three years. He considered that it was essential to store the used electrical/electronic appliances within shelters and on paved ground in order to prevent soil and groundwater contaminations in the surrounding area. His recent site inspection found that there was a residential dwelling within 100m from the boundary of the site. Taking into account the operation hours from 7:00 a.m. to 11:00 p.m. and the traffic of heavy vehicles probably arising from the proposed use, noise nuisance to the sensitive receivers was very likely. According to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, it was considered not environmentally desirable; and
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) advised that according to his recent site inspection, the site was vacant and mostly covered by wild grasses with about 60 existing trees (of which about 25 numbers were weed trees) scattered throughout the site. The proposed use was considered not incompatible with the neighbouring rural industrial uses. However, moderate disturbances to the existing landscape character and resources in the site due to the proposed use were anticipated. Moreover, approval of this application would set an undesirable precedent for similar uses encroaching into the surrounding rural areas that would further deteriorate the landscape quality there. As such, he had reservation on the application from the landscape perspective.

- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was received from a Yuen Long District Council member, who objected to the application as he considered that the site was close to residential dwellings; the travelling of heavy vehicles and the movement of goods would generate noise and dust nuisances; and the metal-hitting noise from the workshop would cause serious nuisances to the nearby residents, particularly with the long operation hours (7:00 a.m. to 11:00 p.m.) proposed; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). The proposed development was generally in line with the TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The “Undetermined” (“U”) zone on the OZP was generally intended for open storage use but was designated with this zoning mainly due to

concerns of the capacity of Kung Um Road. The approval of the application on a temporary basis would not frustrate the long-term use of the area;

- (ii) the proposed development was not incompatible with the surrounding areas, which were mixed with open storage yards and warehouses. Regarding CTP/UD&L of PlanD's comment, it was noted that similar open storage uses in the areas to the northeast of the site within the "U" zone had been approved by the Board. As regards DEP's comments on the possible noise nuisance generated by the development on the residential dwelling located within 100m, the nearest residential dwelling was at about 45m to the south of the site which was also surrounded by other storage uses. Besides, the large open storage yard to the immediate northeast of the site operated under Application No. A/YL-TYST/427 was permitted to use heavy goods vehicles. As regards the storage of used electrical/electronic appliances, the applicant had proposed to store them within shelters and on paved ground only. DEP considered that these measures could avoid soil and groundwater contaminations;
- (iii) the previous application (No. A/YL-TYST/297) for a similar temporary open storage use was rejected by the Committee on 29.7.2005 when the site fell within Category 2 areas under the then TPB PG-No. 13C. Nevertheless, the subject "U" zone (including the site) was later re-categorized as Category 1 areas on 2.11.2005 under the previous TPB PG-No.13D, which was considered suitable for open storage and port back-up uses, and had remained within Category 1 areas under the prevailing TPB PG-No.13E; and
- (iv) there was a public objection to the application concerning the possible environmental impact caused by the proposed development and the long operation hours of between 7:00 a.m. and 11:00 p.m. In this regard, the applicant had shortened the proposed operation hours from 7:00 a.m. to 9:00 p.m. and relevant approval conditions were recommended to

address the environmental concerns.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 2.12.2014, 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 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no 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 submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 2.6.2012;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 2.9.2012;

- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.6.2012;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 2.9.2012;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.6.2012;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.9.2012;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of

Planning or of the TPB.

39. 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, Lands Department (LandsD) that the lot owners would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such applications would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through a long stretch of informal track on government land and other private land extended from Kung Um Road. His office provided no maintenance works for this track nor guaranteed 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;
- (c) 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;
- (d) 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. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the numbers and locations of the existing trees as shown on the submitted Layout and Landscape Plan (Drawing A-1 of the Paper) did not tally with the actual site situation;
- (g) to note the comments of the Chief Engineer/Mainland North, DSD that the Drainage Impact Assessment (DIA) report should include a paragraph to address and demonstrate whether the existing drainage system including public nullah was able to receive the overland flow from the adjacent areas and the surface runoff from the site via the proposed drainage channels. In order to prevent the runoff with debris from flowing into the existing stream to the west of the site, the proposed concrete curb should be extended along the boundary of the site. The detail and location of the proposed concrete curb with fencing should be shown on the DIA report. The sizes of the existing drainage system including drain pipes and peripheral channels, stream courses and the proposed drainage channels should also be shown on the two drawings (i.e. No. D-01 (Rev. G) and D-02 (Rev. D)) of the DIA report;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department’s (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 site could not provide the standard pedestal hydrant;

- (i) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any new building works including any temporary structures were to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. If the site did not abut on 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 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

- (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 site. 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 published by PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with 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. Ernest C.M. Fung and Mr. K.K. Lee, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Fung and Lee left the meeting at this point.]

Agenda Item 12

Any Other Business

40. The Secretary said that the next meeting would be held on 6.12.2011 to consider the remaining cases originally scheduled to be considered in the meeting as the Town Planning Board would resume its hearing of representations and comments in relation to the Tseung Kwan O Landfill extension later in the day. Members would be informed of the details of the meeting. There being no other business, the meeting closed at 10:15 a.m..