

TOWN PLANNING BOARD

Minutes of 368th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.3.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Professor Peter R. Hills

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. Alfred Donald Yap

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Chief Traffic Engineer (New Territories East),
Transport Department
Mr. Ambrose Cheong

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

Assistant Director/New Territories, Lands Department
Mr. C.S. Mills

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Dr. Lily Chiang

Professor David Dudgeon

Dr. C.N. Ng

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. C.T. Ling

Town Planner/Town Planning Board
Miss Vivian M.F. Lai

Agenda Item 1

Confirmation of the Draft Minutes of the 367th RNTPC Meeting held on 22.2.2008

[Open Meeting]

1. The draft minutes of the 367th RNTPC meeting held on 22.2.2008 were confirmed subject to an amendment to the post title of Mr. Ambrose S.Y. Cheong which should read ‘Chief Traffic Engineer (New Territories East), Transport Department’.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TP/9 Application for Amendment to the
Draft Tai Po Outline Zoning Plan No. S/TP/20
from “Green Belt” to “Village Type Development”,
Lots 247, 248, 249, 250, 251, 252 (Part), 253(Part), 254,
255(Part), 258(Part), 259(Part), 260A(Part), 260RP, 261(Part),
289(Part), 290(Part), 291(Part), 293(Part), 322RP(Part), 325(Part),
327A(Part) and 327RP(Part) in DD 20 and Adjoining Government Land,
Lo Lau Uk,
Tai Po
(RNTPC Paper No. Y/TP/9)

3. The Secretary said that the following members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted comments on the application, declared interests in this item :

case should the Committee decided to proceed with the consideration of the application. In this regard, clarification from the applicant's representatives was considered necessary.

Question Session

[The hearing was conducted in Cantonese.]

8. Dr. Kenneth S.S. Tang, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN) and the following applicant's representatives were invited to the meeting at this point :

Mr. Chan Tat-choi
Mr. Kwan Lok-ping

9. The Chairperson extended a welcome.

10. In response the Chairperson's and Members' queries, Messrs. Chan Tat-choi and Kwan Lok-ping made the following main points :

- (a) they were on fully authorized to represent the applicant despite that the written authorization could not be produced at this point;
- (b) due to a sudden stroke, the applicant was admitted to the hospital;

[Mr. Edmund K.H. Leung joined the meeting at this point.]

- (c) a key issue of the application was whether Lo Lau Uk village was a recognised village;
- (d) the applicant, being a local-born village leader, would give valuable first person information and evidence to ascertain the status of Lo Lau Uk, and could answer the Committee's queries direct. This was considered pertinent to the consideration of the application; and

(e) it would be fair to conduct the hearing with the applicant's participation.

11. In response to the Chairperson's enquiry, Mr. Kwan Lok-ping said that the relevant information regarding the status of the concerned village was included in the submission, but some of the facts on the history might have been overlooked by concerned departments, therefore the presence of the applicant would facilitate the understanding of the key issues.

12. The Secretary remarked that according to the guidelines in the TPB Procedure and Practice, given there were objections, the application could not be adjourned indefinitely. The Chairperson then asked the applicant representatives to specify a reasonable deferment period taking account of the health situation of the applicant. Mr. Cha Tat-choi suggested to a deferment for a month. The Secretary reported that the nearest meeting, in about a month's time, would be 18.4.2008. The applicant representatives agreed.

13. The Chairperson and a Member remarked that if there were further information on status of the village, it would be advisable to submit them to the TPB Secretariat so that relevant departments could provide additional comments prior to the next meeting. The Secretary added that, depending on its nature, the further information might be required to be published for public comment and the meeting date might be further postponed.

14. As the applicant's representatives had no further points to make and Members had no further questions, the Chairperson said that the question session had been completed and the Committee would deliberate on the request in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives and the PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

15. Members agreed that the status of the Lo Lau Uk village was one of the major issues in considering the application. Mr. C.S. Mills advised that according to criteria of Lands Department, Lo Lau Uk village was not a recognised village, but the applicant should be allowed to provide more information to substantiate his claim.

17. Noting that the two applications were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together :

Presentation and Question Sessions

18. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the District Lands officer/Tai Po (DLO/TP) did not support the applications as the application sites were not within the ‘village environ’ (‘VE’) of any recognised village. The Director of Environmental Protection (DEP) and the Chief Engineer/Development (2) of the Water Supplies Department (WSD) objected to the applications as the application sites were located within the water gathering grounds (WGGs) but outside “Village Type Development” (“V”) zone where there was no provision of sewerage system, hence causing water pollution to the WGGs. It would be difficult to guarantee the construction and maintenance of the proposed sewage connection pipes in other private lots. The Director of Agriculture, Fisheries and Conservation did not support the applications in view of the active agricultural activities in the area and the surrounding land uses would not have adverse effect on the agricultural rehabilitation of the application sites;
- (d) during the statutory publication period, one public comment was received supporting the applications; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments given in paragraphs 11 of the Papers. The applications were not in line with the planning intention of the “AGR” zone. The submissions did not provide strong justifications for a departure from the planning intention. Besides, the applications did not comply with the interim criteria for assessing planning application for Small House development in that they fell outside both “V” and ‘VE’ of Pak Ngau Shek Village. They were within the WGGs, but were not able to be connected to the sewerage system in the area, resulting water pollution to the WGGs. There were adverse departmental comments on the applications.

19. Members had no question on the applications.

Deliberation Session

20. After deliberation, the Committee decided to reject the application No. A/NE-LT/376 and the reasons were :

- (a) the application 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. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of a recognized village. In addition, the proposed NTEH/Small House development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the planned sewerage system in the

area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

21. After deliberation, the Committee decided to reject the application No. A/YL-LT/377 and the reasons were :

- (a) the application 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. No strong justifications had been provided in the submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House (NTEH)/Small House development in that the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of a recognized village. In addition, the proposed NTEH/Small House development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LT/378 Proposed House
(New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 869B2 in DD 8,
Ping Long Village,
Lam Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/378)
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Presentation and Question Sessions

22. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – no objection from concerned Government departments was received except one from the Chief Engineer/Development (2) of the Water Supplies Department (WSD) who was concerned about the connectivity of the proposed development with the public sewerage system, as the application site fell largely outside the “Village Type Development” (“V”) zone but within the WSD upper indirect gathering ground;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraphs 11 of the Paper. Appropriate approval conditions were suggested to address WSD’s concern.

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 7.3.2012, 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 facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the site was in an area where no public sewerage connection was available;
- (d) the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within “Village Type Development” zone;

- (e) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines;
- (f) prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the underground supply lines away from the vicinity of the proposed structure;
- (g) the existing water mains would be affected. The applicant should take all necessary precautionary measures to protect the water mains. If diversion was required, the applicant should bear the cost of any necessary diversion works affected by the proposed development and give at least 6 months advanced notice to Water Supplies Department; and
- (h) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-TKL/304 Proposed Temporary Open Storage of
Packaged Used Computer Parts and Ancillary Office
for a Period of 3 Years
in “Agriculture” zone,
Lot 128(Part) in DD 84 and Adjoining Government Land,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/304)
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Presentation and Question Sessions

26. Ms. Stephanie P.H. Lai, 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 packaged used computer parts with ancillary office for a period of 3 years;

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

- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were well-managed farms in the area and the application site, which was good-grade agricultural land, had a high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) also objected to the application noting that records revealed recent disturbances to the existing landscape character. Assistant Commissioner for Transport/NT (AC for T/NT) opined that it was undesirable for the using of medium/heavy goods vehicles as the access road leading to the application site was narrow and sub-standard. 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;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The application did not comply with the Town Planning Board Guidelines No. 13D in that no previous planning approval had been granted for the application site and there were adverse departmental comments on the application. The submission did not adequately address the concerns on

the environmental, landscape and traffic impacts caused by the proposed development on the surrounding areas.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-TKL/305 Temporary Dangerous Goods Godown
(for Storage of Category 2 Dangerous Goods,
mainly Industrial Oxygen and Acetylene)
for a Period of 3 Years
in “Open Storage” and ‘Road’ zones,
Lot 1552RP(Part) in DD 77,
Ping Che,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/305)
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Presentation and Question Sessions

29. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary dangerous goods godown (for storage of category 2 dangerous goods, mainly industrial oxygen and acetylene) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, three public comments were received from a member of the public, a North District Councillor and Ta Kwu Ling District Rural Committee. They objected to the application mainly for the fear that it would pose fire and safety hazards to the nearby residents and sensitive uses. The District Officer/North consulted the locals and gathered that the Chairman of Shui Lau Hang Village Mutual Aid Committee, Ta Kwu Ling District Rural Committee, local residents and commercial organisations objected to the application for the same concerns; and the Indigenous Inhabitant Representative of Ping Che and Resident Representative of Tai Po Tin had no comments; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. Although there were local objections on fire and safety hazards grounds, the nearest domestic structure at the opposite side of Ng Chow South Road to the northwest of the application site was about 16m, which was more than the required safety distance (6m) set out in the Hong Kong Planning Standards and Guidelines. The Director of Fire Services (DFS) had no objection to the application and advised that the temporary use required application of dangerous goods licence which could safeguard the fire and safety hazards.

30. In response to a Member's query, Ms. Stephanie P.H. Lai said that the Director of Environmental Protection (DEP)'s main concern was on the storage capacity of dangerous goods and the use of medium/heavy vehicles on the application site. Upon clarification, the

applicant confirmed that the storage would not exceed 500 tonnes. In addition, an approval condition restricting the types of vehicles was recommended.

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

31. The Chairman asked if control on the storage capacity of the temporary godown could be achieved through application of dangerous goods licence. Mr. C.W. Tse clarified that a dangerous goods godown with a storage capacity exceeding 500 tonnes constituted a designated project and would be subject to the provisions of the Environmental Impact Assessment Ordinance. The Chairman suggested adding a planning condition to set out the storage capacity limit.

32. In response to the Chairperson's query, Ms. Stephanie P.H. Lai replied that the distance between the temporary godown and the nearest village was about 300m.

Deliberation Session

33. Members agreed to add a condition stipulating the storage capacity of the temporary use.

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the storage capacity of the dangerous goods godown should not exceed 500 tonnes;

- (d) no medium/heavy goods vehicles including container vehicles were allowed for transporting goods to/from the application site during the planning approval period;
- (e) the submission of proposals for car parking, loading/unloading and vehicle manoeuvring spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.9.2008;
- (f) in relation to (e) above, the provision of car parking, loading/unloading and vehicle manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.12.2008;
- (g) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (h) in relation to (g) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2008;
- (i) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (j) in relation to (i) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2008;
- (k) the submission of proposals on 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 7.9.2008;

- (l) in relation to (k) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (m) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) note the District Lands Officer/North, Lands Department's comments that the owner of the lot should apply for a Short Term Waiver for the existing and proposed structures;
- (b) note the Director of Fire Services's comments on the following :
 - (i) mixed storage of oxygen and acetylene cylinder was prohibited unless proper fire resisting structure was provided for each type of cylinder involved;
 - (ii) dangerous goods godown with a storage capacity exceeding 500 tonnes should be classified as a designated project subject to Environmental Impact Assessment Ordinance; and
 - (iii) formal application should be made to his department for granting of relevant dangerous goods licence for storage;

- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that 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;

- (d) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments on the following :
 - (i) the application site was located within the WSD flood pumping gathering ground associated with River Indus and River Ganges pumping stations;

 - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;

 - (iii) no discharge of effluent should be allowed without the prior approval from the Water Authority. Any effluent discharge must comply with the Technical Memorandum on Standard for Effluent Discharge into Drainage and Sewage Systems, Inland and Coastal Waters;

 - (iv) all wastes, sludge and pollutants arising from the development should be properly disposed of outside gathering grounds;

 - (v) an action plan to prevent the flooding pumping gathering grounds from being contaminated by spillage of fuel, oil or the like during both construction and operation phases should be prepared to the satisfaction of the Water Authority; and

- (vi) 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 and 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 lot to WSD's standards;
- (e) note the Director of Environmental Protection (DEP)'s comments on the following :
 - (i) incorporate the environmental measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the DEP in order to minimize any possible environmental nuisances; and
 - (ii) carry out a review on land use history to determine if a land contamination assessment was necessary.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/NE-TKL/306 Proposed Temporary Open Storage of
Metal Goods and Equipment for a Period of 3 Years
in "Agriculture" zone,
Lots 1356RP(Part) and 1357(Part) in DD 82
and Lots 4A, 4B, 4C(Part), 5, 6A, 6B, 7(Part)
and 8A(Part) in DD 84 and Adjoining Government Land,
Ping Che,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/306)
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Presentation and Question Sessions

36. Ms. Stephanie P.H. Lai, 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 metal goods and equipment for a period of 3 years;
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were well-managed farms in the area and the application site had a high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) also objected to the application noting that records revealed recent disturbances to the existing landscape character. The Assistant Commissioner for Transport/NT (AC for T/NT) opined that it was undesirable for the using of medium/heavy goods vehicles as the access road leading to the application site was narrow and sub-standard. 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;
- (d) during the statutory publication period, one public comment was received supporting the application on grounds that the land owned by indigenous villagers should have suitable uses to allow economic viability and create job opportunities; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper. The application did not comply with the Town Planning Board Guidelines No. 13D in that no previous planning approval had been granted for the application site and there were adverse departmental comments on the application. The submission did not adequately address the concerns on environmental, landscape and traffic impacts on the surrounding areas.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(vii) A/PSK/7 Proposed Minor Relaxation of Building Height Restrictions
in “Residential (Group B)2”
and “Residential (Group B)3” zones,
Tai Po Town Lots 187 and 188,
Pak Shek Kok,
Tai Po

(RNTPC Paper No. A/PSK/7)

Presentation and Question Sessions

39. The Committee noted that on 13.2.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to address departmental comments. The applicant asked for a 2.5 months’ extension of the submission date to end of April 2008.

Deliberation Session

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

- (d) during the statutory publication period, two public comments were received. District Council member Mr. CHAN Cho-leung recommends that the approval of the application should be supported by the representative of the local residents. Another comment was from private companies objecting to the application mainly on land-use compatibility ground; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 10 of the Paper in that the proposed development was not in line with the planning intention of “Open Space”. There was no information in the submission to demonstrate the absence of suitable alternative site for the proposed development. There were adverse departmental and public comments on the application.

43. In response to the Chairman's query, Dr. Kenneth S.S. Tang replied that there was no Government land in the immediate vicinity suitable for the proposed use. The applicant had submitted another section 16 application for the proposed use on an alternative site.

Deliberation Session

44. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Open Space” zone which was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. It could limit the development of the open space area and affect the implementation of the planning intention; and
- (b) there was no information in the submission to demonstrate the absence of suitable alternative site for the proposed development.

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/TP/392 Proposed Place of Entertainment
in “Residential (Group A)” zone,
11/F and 12/F of Tai Po Centre Multi-storey Car Park,
2 On Pong Road,
Tai Po
(RNTPC Paper No. A/TP/392)
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45. The Secretary said the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. As a request for deferment was received from the applicant, Members agreed that Messrs. Yap and Cheng should be allowed to stay in the meeting.

Presentation and Question Sessions

46. The Committee noted that on 21.2.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to prepare further information to address departmental comments.

Deliberation Session

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

Deliberation Session

50. 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 7.3.2012, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) obstruction or disturbance to the nearby stream course was prohibited at any time during and after the construction of the proposed development;
- (b) the Environmental Protection Department should be consulted regarding the preferred sewage treatment/disposal methods for the proposed development;
- (c) 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 the Water Supplies Department's standards; and
- (d) water mains in the vicinity of the application site could not provide the standard fire-fighting flow.

Agenda Item 5

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTS/90-1 Extension of Time for Commencement of the
Approved Comprehensive Residential Development
under Application No. A/NE-KTS/90
for a Period of 3 Years until 12.3.2011
in “Comprehensive Development Area” zone,
Various Lots in DD 100 and Adjoining Government Land,
Fan Kam Road,
Kwu Tung South,
Sheung Shui

(RNTPC Paper No. A/NE-KTS/90-1)

- (ii) A/NE-KTS/214-1 Extension of Time for Commencement of the
Approved Comprehensive Residential Development
with Minor Amendments to
an Approved Master Layout Plan
under Application No. A/NE-KTS/214
for a Period of 3 Years until 12.3.2011
in “Comprehensive Development Area” zone,
Various Lots in DD 100 and Adjoining Government Land,
Fan Kam Road,
Kwu Tung South,
Sheung Shui

(RNTPC Paper No. A/NE-KTS/214-1)

52. Noting that the two applications were almost identical as Application No. A/NE-KTS/214 was amendment to Application No. A/NE-KTS/90 , Members agreed that the applications could be considered together :

Presentation and Question Sessions

53. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time (EOT) for commencement of the approved comprehensive residential development under Application Nos. A/NE-KTS/90 and A/NE-KTS/214 for a period of 3 years until 12.3.2011 (i.e. an additional 3 years from the last EOT approvals);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer (North) consulted the locals and gathered that the Chairman of Sheung Shui District Rural Committee objected to the applications as the proposed development, which was approved 8 years ago, should be supported by a new traffic impact assessment in view of the congested Fan Kam Road; and that the concerned North District Council member and a Village Representative of Lin Tong Mei had no comments on the applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment given in paragraph 7 of the Papers. The local traffic concern could be addressed by the condition (c), which had been imposed under Application Nos. A/NE-KTS/90 and A/NE-KTS/214 respectively. Concerned government departments had no objection.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application No. A/NE-KTS/90-1 for extending the time for commencement of the approved development for 3 years until 12.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a revised Master Layout Plan (MLP) to take into account the conditions (b), (d), (g), (h) and (i) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of vehicular ingress/egress points, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of revised traffic impact assessment to take into account the proposed Fan Kam Road Improvement Project and the junction capacity of Fan Kam Road/Castle Peak Road, and implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of the non-building area for the proposed Fan Kam Road Improvement Project and the provision of noise barrier along Fan Kam Road to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission of revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;

- (h) the submission and implementation of landscaping proposals including tree felling and planting proposals to the satisfaction of the Director of Planning or of the TPB; and
- (i) the submission of the implementation programme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Board. Should the applicant wish to seek any further extension of time for commencement of the development, a fresh application under section 16 of the Town Planning Ordinance should be submitted. The TPB Guidelines Nos. 35A and 36 should be referred to for details. A third 3-year extension was currently granted to the applicant with the original duration of 3 years for commencement of development. No further extension of time would be given to the applicant; and
- (b) to submit a revised MLP incorporating the relevant approval conditions for certification by the Chairman of the TPB and deposition in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance.

57. After deliberation, the Committee decided to approve the application No. A/NE-KTS/214-1 for extending the time for commencement of the approved development for 3 years until 12.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a revised Master Layout Plan (MLP) to take into account the conditions (b), (d), (g), (h) and (i) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the design and provision of vehicular ingress/egress points, loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of revised traffic impact assessment to take into account the proposed Fan Kam Road Improvement Project and the junction capacity of Fan Kam Road/Castle Peak Road, and implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of the non-building area for the proposed Fan Kam Road Improvement Project and the provision of noise barrier along Fan Kam Road to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission of revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission and implementation of sewage disposal facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the submission and implementation of landscaping proposals including tree felling and planting proposals to the satisfaction of the Director of Planning or of the TPB; and
- (i) the submission of the implementation programme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the Board. Should the applicant wish to seek any further extension of time for commencement of

the development, a fresh application under section 16 of the Town Planning Ordinance should be submitted. The TPB Guidelines Nos. 35A and 36 should be referred to for details. A 3-year extension was currently granted to the applicant with the original duration of 3 years for commencement of development. No further extension of time would be given to the applicant; and

- (b) to submit a revised MLP incorporating the relevant approval conditions for certification by the Chairman of the TPB and deposition in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LT/263-1 Extension of Time for Commencement of the Approved Seven Houses (New Territories Exempted Houses – Small Houses) under Application No. A/NE-LT/263 for a Period of 3 Years until 15.3.2011 in “Agriculture” zone, Lots 573H, 573J, 573M, 573L, 573RP(Part), 574J, 574K, 574L1 and 574LRP and Adjoining Government Land in DD 8, Sha Pa Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/263-1)
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Presentation and Question Sessions

59. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the extension of time for commencement of the approved seven houses (New Territories Exempted Houses (NTEHs) - Small Houses) under Application No. A/NE-LT/263 for a period of 3 years until 15.3.2011;
- (c) departmental comments – the Director of Environmental Protection (DEP) maintained his grave concerns over the potential water quality impact of the proposed development on the water gathering grounds as application site, which fell outside the “Village Type Development” zone, would not be able to be connected to the planned sewerage system in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was occupied by gladiolus field and vegetable field, and the surrounding land uses would not have adverse effect on the agricultural rehabilitation of the application site. The potential impacts of the proposed development on the nearby ecologically important stream at Upper Lam Tsuen River were not addressed;
- (d) the District Officer had consulted the Indigenous Inhabitant Representative of Shui Wo and Tai Po District Council member Mr. Chan Cho-leung and received no adverse comments; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons given in paragraph 7.1 of the Paper. Appropriate approval condition had already been imposed to address the concern on water quality impact.

60. In response to a Members’ queries, Dr. Kenneth S.S. Tang replied that according to Town Planning Board Guidelines No. 35A, any extension(s) of time for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. As regards the subject application, the last approval was granted under the pre-amended Town Planning Ordinance for a 3-year commencement period, and the suggested extension of time was therefore 3 years.

Deliberation Session

61. After deliberation, the Committee decided to approve the application for extending the time for commencement of the approved development for 3 years until 15.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the disposal of spoils during the site formation and construction period to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the submission of a water quality impact assessment to assess the impact of the proposed development on the quality of water in the water gathering grounds and the implementation measures identified therein, and the design and construction of the sewerage and sewage disposal system in accordance with the results of the water impact assessment to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of an emergency vehicular access (EVA) or other fire safety alternatives to the proposed development to the satisfaction of the Director of Fire Services or the District Lands Officer/Tai Po, Lands Department or of the TPB; and
- (e) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) as the application site fell within the Sha Pa Archaeological Site which was identified and recorded by the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department, salvage excavation would

need to be conducted to retrieve the affected archaeological materials prior to any construction works on the application site. The applicant was requested to consult AMO on the necessary arrangement;

- (b) the installation of a crash gate at Lam Kam Road leading to the entrance of the proposed EVA; and
- (c) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wish to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35A and 36 should be referred to for details.

Remarks

63. The Chairperson said that Agenda Item 6 would not be open for public viewing since it was in respect of a section 16 planning application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 6

Section 16 Application

[Closed Meeting]

[The Chairperson thanked Ms. Stephanie P.H. Lai, STP/STN, and Dr. Kenneth S.S. Tang, STP/STN, for their attendance to answer Members' enquiries. Ms. Lai and Dr. Tang left the meeting at this point.]

Sai Kung and Islands District

[Mr. Alfred Y.K. Lau, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), Mr. Wilfred C.H. Cheng, STP/SKIs, and Mr. Stephen M.Y. Wong, Town Planner/Sai Kung and Islands (TP/SKIs), were invited to the meeting at this point.]

Agenda Item 7

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/15

(RNTPC Paper No. 2/08)

67. Mr. Edmund K.H. Leung declared an interest in this item as he owned a property in the Clear Water Bay, which was outside the Tseung Kwan O planning scheme area. As his interest was considered indirect, he could stay in the meeting.

Presentation and Question Sessions

68. With the aid of a video and a powerpoint presentation, Mr. Wilfred C.H. Cheng, STP/SKIs, presented the proposed amendments and covered the following aspects as detailed in the Paper :

- (a) background to the proposed amendments – mainly took on board the recommendations of the Feasibility Study for Further Development of Tseung Kwan O (the Study) which was completed in mid 2005. The major new proposals under the Study included no further reclamation, reduction in overall population in Town Centre South and Tiu Keng Leng, stepping height building profile towards the waterfront, development of high quality low to medium density housing in Pak Shing Kok, creation of vibrant and traffic free waterfront leisure area with a Town Plaza, waterfront park and riverine park, and reserving the Tseung Kwan O (TKO) Landfill Stage I site for recreation development;

(b) major amendments items -

i. At Tiu Keng Leng

The land use framework for the area had been re-planned. The proposed amendments involved the designation of “Open Space” (“O”) for the development of Tiu Keng Leng Park to help alleviate the impact of the surrounding high-density developments, “Government, Institution or Community (4)” (“G/IC(4)”) with a maximum building height (BH) of 40m as a civic cluster forming a western gateway of TKO and “Other Specified Uses” (“OU”) annotated “Toll Plaza, Ventilation Building and Associated Facilities” for the construction of the TKO-Lam Tin (TKO-LT) Tunnel, which replaced the Western Coast Road (WCR), and Cross Bay Link (CBL). The areas originally reserved for coastal alignment of the WCR and the original CBL would no longer be required as TKO-LT would be developed in tunnel form, and the CBL alignment was revised. These areas would be rezoned to “Green Belt” or ‘Sea’ where appropriate.

A piece of land to the south of Choi Ming Court in Area 74 was originally proposed for development of two secondary schools and a district open space. After review, the then Education and Manpower Bureau (EMB) decided to retain the western portion of the sites for development of a Design Institute by the Vocational Training Council and re-provisioning of the existing Lee Wai Lee campus in Kowloon Tong. The Sai Kung District Council (SKDC) was consulted on 4.4.2006 and supported the proposal. To cater for the new proposals, the area was proposed to zone “G/IC(2)” with a maximum BH of 55m. The eastern portion of the sites was planned for open space with an indoor recreation centre (IRC). In view of SKDC’s request for an early implementation of the IRC and a library, the concerned sites was proposed to zone “O(1)” to include such uses

as permitted uses. The zoning proposal was also supported by SKDC.

[Messrs. Tony C.N. Kan and B.W. Chan returned to join the meeting at this point.]

ii. At Town Centre South

The Town Centre South area was largely undeveloped, and thus offered an opportunity to reconsider the overall planning, urban design and landscape framework for the New Town with a view to reducing the development density, creating a vibrant waterfront and providing a high quality living environment. Major land use proposals included the designation of “Residential (Group A)” (“R(A)”) with a range of maximum domestic plot ratio (PR) from 2 to 5 and maximum non-domestic PR 0.5, maximum site coverage (SC) of 50%, and maximum BH of 35 to 100mPD for medium-density commercial/developments descending towards waterfront. This area would provide 9600 flats accommodating 25000 residents.

A site in Area 65 to the east of Bauhinia Garden was proposed to be rezoned to “R(A)3”. Due to inclusion of a piece of land originally intended for a local open space into the “R(A)3” for PR and SC calculation proposed by the Director of Housing (D of H) to meet the serious public rental housing demand in the territory, the requirement for the provision of not less than 4600m² public open space at street level had been stipulated in the Notes of the “R(A)3” zone to ensure the provision of the open space. The proposal was presented to the Housing and Environmental Hygiene Committee (HEHC) of the SKDC on 19.2.2008. View of the HEHC members were divided.

Other land use proposals included the designation of G/IC subzones (G/IC(1), (3), (4) & (5)) with maximum BH of 10 to 75m forming a Civic Node, and the provision of over 12 ha “O” in the form of

landscaped pedestrian corridor, town plaza, waterfront and riverine parks. Two proposed piers and its concourses in Area 68 were no longer required and had been deleted from the OZP.

iii. At Siu Chik Sha (TKO Stage I Landfill)

Given that the area was a restored landfill site, it would mainly be rezoned to “Recreation” (“REC”) with a maximum PR of 0.1 and maximum BH of 1 storey; and “OU” annotated “Sports and Recreation Club” for recreation purpose and water sports activities.

iv. At Pak Shing Kok

The area was a former borrow area on a hilly terrain. It would be developed for high quality, low- to medium-rise residential developments. Due to its elevated location, height restriction was required to minimize the impact on the ridgelines and views from adjacent areas. The development restrictions for the “R(C)” zone was a maximum domestic PR of 0.6 to 1.4, maximum SC of 40 to 50%, and a maximum BH of 93 to 100mPD. The estimated supply of flats was 2000 for a population of 5000. To cater for the population, appropriate sites were reserved for G/IC uses such as schools. In addition, the land reserved for Road D6 were no longer required and hence were deleted from the OZP.

v. At Hang Hau

To cater for the latest development proposal by the Director of Leisure and Culture Services, the area was rezoned to “O(1)” to facilitate the development of an indoor velodrome cum sports centre. The Notes for the “O(1)” zone would be revised accordingly.

- (c) departmental comments – no adverse comments from concerned Government departments were received; and

- (d) the proposed amendments would be submitted to the Sai Kung District Council for consultation upon agreement of the Town Planning Board.

69. In response to Members' queries, Mr. Wilfred C.H. Cheng replied and clarified the following points :

- (a) the planned total population in TKO would reduce from 480,000 to 450,000; and
- (b) while the request from the D of H on inclusion of a piece of land for public housing development was incorporated, the maximum BH of the concerned "R(A)3" zone in Area 65 still followed the recommendation of the Study which was 100mPD (about 30 storeys).

[Prof. Peter R. Hills left the meeting at this point.]

[Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

Deliberation Session

70. The Chairperson remarked that the Study had been presented to the Board before and the recent Town Planning Board visit to TKO had facilitated Members' understanding of the proposed amendments.

71. After deliberation, the Committee decided to :

- (a) consider the proposed amendments to the approved Tseung Kwan O OZP No. S/TKO/15 as shown on the amendment OZP No. S/TKO/15C at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for consultation with the Sai Kung District Council;
- (b) adopt the updated Explanatory Statement (ES) at Appendix IV of the Paper as an expression of the Board's planning intention and objectives of various

land use zones on the amendment OZP No. S/TKO/15C; and

- (c) agree that the updated ES at Appendix IV of the Paper was suitable for consultation with the Sai Kung District Council together with the amendment OZP No. S/TKO/15C.

Remarks

72. The Chairperson said that Agenda Item 8 would not be open for public viewing since it was in respect of a request for amendments to the Outline Zoning Plan submitted before the commencement of the Town Planning (Amendment) Ordinance 2004.

Agenda Item 8

[Closed Meeting]

[Ms. Carmen K.M. Chan returned to join the meeting at this point.]

Agenda Item 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/SK-HC/158 Proposed 2 Houses
(New Territories Exempted House— Small House)
in “Agriculture” zone,
Lots 373D and 373E in DD 244,
Ho Chung,
Sai Kung
(RNTPC Paper No. A/SK-HC/158)
-

- (ii) A/SK-HC/159 Proposed 1 House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 627A4 and 627D in DD 244,
Ho Chung,
Sai Kung
(RNTPC Paper No. A/SK-HC/159)
-

76. Noting that the two applications were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together :

Presentation and Question Sessions

77. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the proposed developments since the application sites, which were zoned “Agriculture”, were major high quality agricultural lands in Sai Kung with high potential for agricultural rehabilitation;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments given in paragraph 11 of the Papers. The applications complied with the interim criteria for assessing planning

application for Small House development in that the application sites were located within the village 'environ' and there was a general shortage of land in meeting Small House development in the "Village Type Development" zone. Although DAFC did not favour the applications, the application site and its surrounding area were not under active cultivation. The proposed Small Houses were compatible with the rural and village environment.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application No. A/SK-HC/158, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure and Cultural Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB;
and
- (c) the submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

80. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that the applicants might need to extend the inside services to the nearest government water mains for connection and should resolve any land matter associated

with the provision of water supply. The applicants should also be responsible for the construction, operation and maintenance of the inside services within the private lots. The water main in the vicinity of the site could not provide the standard fire-fighting flow.

81. After deliberation, the Committee decided to approve the application No. A/SK-HC/159, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 archaeological survey before the commencement of any construction works and rescue excavation should be undertaken should archaeological remains be found to the satisfaction of Director of Leisure and Cultural Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB;
and
- (c) the submission and implementation of landscape proposal to the satisfaction of Director of Planning or of the TPB.

82. The Committee also agreed to advise the applicant to note the comments of the Director of Water Supplies that the applicant might need to extend the inside services to the nearest government water mains for connection and should resolve any land matter associated with the provision of water supply. The applicant should also be responsible for the construction, operation and maintenance of the inside services within the private lots. The water main in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/74-1 Proposed Amendments to the Approved Comprehensive Hotel,
Office, Apartment, Commercial and Leisure Development
under Application No. A/TKO/74
in “Other Specified Uses” annotated
“Commercial Development with Public Transport Interchange” zone,
Area 56,
Tseung Kwan O
(to be known as Tseung Kwan O Town Lot 72)
(RNTPC Paper No. A/TKO/74-1)

Presentation and Question Sessions

83. With the aid of a powerpoint presentation, Mr. Wilfred C.H. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) major proposed amendments to the approved development – addition of 2 basement levels for parking purposes and reshuffling of various uses within podium, increase of 2 residential towers and change in building form of residential towers, change in building form of hotel towers, and slight adjustment in carparking provisions and change in internal access arrangement. Major improvements were : the two parking basements would allow reshuffling of uses and segregation of pedestrian and vehicular traffic, removal of unsightly ramp structure make additional greening treatments possible, and the reduced building bulk and more interesting building form enhance the visual corridor, ventilation permeability, and natural lighting and view.

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the District Officer (Sai Kung) (DO/SK) consulted Sai Kung District Councillors and relevant district personalities on the proposal. 8 District Council (DC) members supported; 2 DC members, the Chairman of the Owner Committee of Tseung Kwan O Plaza and the Chairman of the Incorporated Owners of Bauhinia Garden opposed, 8 other DC members and the Estate Manager/Owner's Committee/Area Committee had no comments. The local's major concern were the 'wall effect' created by the proposed development, and the proposed service apartment would affect the population planning for the area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper in that the proposed amendments were minor in nature but bring about a number of design merits, no insurmountable technical problem associated with the amendments was envisaged, and relevant departmental concerns could be dealt with by approval conditions. Regarding the local concerns, the revised scheme was considered to be less bulky in building mass and more interesting in building form. The amendments would not reduce the width of the 75m-wide breezeways at the eastern and western sides of the application site. The applicant had confirmed that there would be no service apartment under the proposed scheme.

84. Members had no question on the application.

Deliberation Session

85. 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 23.12.2009, 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 maximum number of residential units of the proposed development should not exceed 1,150 flats;
- (b) the design and provision of vehicular access arrangement and pedestrian circulation system for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of parking facilities, loading and unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design and construction of the landscape deck, the associated staircases and the five footbridge across Tong Tak Street, Tong Chun Street and Tong Yin Street, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the maintenance of the landscape deck, the associated staircases and the five footbridge across Tong Tak Street, Tong Chun Street and Tong Yin Street, as proposed by the applicant, to the satisfaction of the Director of Highways or of the TPB;
- (f) the design and construction of the District Open Space to the north of the application site, as proposed by the applicant, as well as the completion of the District Open Space to tie in with that of the proposed development, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the design and disposition of building blocks and podium to mitigate visual impact of the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (h) the design and provision of not less than 6,000m² of open space at the Civic Square and Mass Transit Railway Entrance Squares, as proposed by the

applicant, to the satisfaction of the Director of Planning or of the TPB;

- (i) the submission and implementation of a landscape master plan to the satisfaction of the Director of Planning or of the TPB;
- (j) the submission of a revised sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the implementation of sewerage facilities identified in the revised sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB; and
- (l) the submission of a water supply impact assessment and provision of water works installation identified therein to the satisfaction of the Director of Water Supplies or of the TPB.

86. The Committee also agreed to advise the applicant to note that parking, loading & unloading and lay-bys spaces should be provided in accordance with the conditions of the New Grant. Any changes of such provisions (if approved by the TPB), the Grantee should apply consent from the Director of Lands under the New Grant, which would be subject to no objection from relevant departments and also subject to additional premium and administrative fee, if any.

[The Chairperson thanked Mr. Alfred Y.K. Lau, DPO/SKIs, Ms. Ann O.Y. Wong, STP/SKIs, Mr. Wilfred C.H. Cheng, STP/SKIs, and Mr. Stephen M.Y. Wong, STP/SKIs, for their attendance to answer Members' enquiries. Mr. Lau, Ms. Wong, Messrs. Cheng and Wong left the meeting at this point.]

[The meeting was adjourned for a short break and resumed at 4:25 p.m.]

Tuen Mun and Yuen Long District

[Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), Mr. W.M. Lam, STP/TMYL, Miss Paulina Y.L. Kwan, STP/TMYL and Mr. Anthony C.Y. Lee, STP/TMYL were invited to the meeting at this point.]

Agenda Item 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM/366 Temporary Public Vehicle Park
(excluding Container Vehicle) Use for a Period of 3 Years
(Letting of Surplus Monthly Vehicle Parking Spaces
to Non-residents Only)
in “Residential (Group A)” zone,
Fu Tai Car Park Block and Open Car Parking Spaces,
Fu Tai Estate,
Tuen Mun

(RNTPC Paper No. A/TM/366)

Presentation and Question Sessions

87. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) use for a period of 3 years (letting of surplus monthly vehicle parking spaces to non-residents only);
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) during the statutory publication period, one public comment was received from the Chairman of Tuen Mun North East Area Committee. He commented that it was essential to ensure that the application would not cause adverse traffic impact on the surrounding area; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper. Regarding the public comment, no adverse traffic impact on the surrounding area was expected as the proposal would not generate additional traffic flow, and the concerned department had no objection to the application.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed number of car parking spaces to be let to non-residents should be agreed with the Commissioner for Transport; and
- (b) the provision of fire services installations to the satisfaction of the Director of Fire Services or of the TPB.

90. 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) note the District Lands Officer/Tuen Mun's comments that the proposed public vehicle park was considered not acceptable under the existing lease.

The applicant might apply to his office for a temporary waiver for the proposal, which waiver, if granted, would be subject to such terms and conditions deemed appropriate;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that priority should be given to the residents of Fu Tai Estate in renting the car parking spaces at all times; the monthly charges of renting the car parking spaces for both residents and non-residents should be the same; and annual reappraisal of the residents' parking demand should be carried out and submitted to his department for reference; and

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the surplus vehicle parking spaces to be let to non-residents of the estate and the associated facilities should be accountable for gross floor area calculation. The resulting plot ratio of the estate due to the letting of surplus car parking spaces should not exceed the maximum permissible under the First Schedule of the Building (Planning) Regulations.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM/367 Proposed House
(New Territories Exempted House – Small House)
in 'Road' and "Village Type Development" zones,
Lots 655B and 657D in DD 130,
Tuen Mun San Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM/367)
-

- (iii) A/TM/368 Proposed House
(New Territories Exempted House – Small House)
in ‘Road’ and “Village Type Development” zones,
Lots 655P and 657C in DD 130,
Tuen Mun San Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM/368)
-

91. Noting that the two applications were similar in nature and the application sites were close to each other within the same zones, Members agreed that the applications could be considered together :

Presentation and Question Sessions

92. Mr. Wilson W.S. Chan, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received supporting the applications; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment given in paragraph 11 of the Paper.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application No. A/TM/367, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 condition that the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the applicant was reminded that if any non-exempted site formation works and/or communal drainage systems were involved, plans should be submitted by an authorized person to the Building Authority for approval prior to the commencement of the works;
- (b) note the District Lands Officer/Tuen Mun, Lands Department's (DLO/TM, Lands D) comments that as the lots were marginally within 20m from Castle Peak Road-Lam Tei section, Small House application thereon would be considered subject to there being no objection/adverse comments from the Transport Department and Highways Department;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available and the applicant should be required to provide its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from areas in the vicinity; and
- (d) note the Director of Fire Services's comments that emergency vehicular access, fire hydrant and fire service installations would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety

requirements on emergency vehicular access, fire hydrant and fire services installations would be formulated upon the receipt of formal application referred by DLO/TM.

96. After deliberation, the Committee decided to approve the application No. A/TM/368, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.3.2012, 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 condition that the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the applicant was reminded that if any non-exempted site formation works and/or communal drainage systems were involved, plans should be submitted by an authorized person to the Building Authority for approval prior to the commencement of the works;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public sewerage connection was available and the applicant should be required to provide its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from areas in the vicinity; and
- (c) note the Director of Fire Services's comments that emergency vehicular access, fire hydrant and fire service installations would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on emergency vehicular access, fire hydrant and fire services installations would be formulated upon the receipt of formal application referred by the District Lands Officer/Tuen Mun, Lands Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TM-LTYT/164 Proposed Temporary Container Storage Yard
(Truck Waiting Area with Transitional Storage Ancillary
to an Existing Use of Container Storage)
for a Period of 3 Years
in “Green Belt” zone,
Lot 167(Part), 178BRP and 180RP(Part) in DD 132
and Adjoining Government Land,
Hong Po Road,
Tze Tin Tsuen,
Tuen Mun

(RNTPC Paper No. A/TM-LTYT/164)

Presentation and Question Sessions

98. The Committee noted that on 27.2.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow sufficient time to prepare further information to address the departmental comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/TM-LTYT/165 Proposed Temporary Public Vehicle Park (Private Cars)
for a Period of 3 Years
in “Village Type Development” zone,
Lots 3834, 3835, 3836, 3837(Part), 3842RP, 3865RP(Part),
3866A, 3866B, 3867, 3868, 3870 and 3871 in DD 124
and Adjoining Government Land,
Lam Tei,
Tuen Mun
(RNTPC Paper No. A/TM-LTYT/165)
-

Presentation and Question Sessions

100. Mr. Wilson W.S. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – based on the assessment given in paragraph 11 of the Paper, PlanD considered that the temporary use could be tolerated and suggested shorter approval period of 1 year and shorter compliance periods to monitor the development on the application site and fulfilment of approval conditions.

101. In response to a Member's query, Mr. Wilson W.S. Chan replied that a shorter approval and compliance period were suggested based on the consideration that the two previous applications were revoked for non-compliance with the approval conditions. The applicant of the subject application was not the same as those of the previous applications.

Deliberation Session

102. Noting that the proposed temporary use was not incompatible with the rural character of the surrounding areas, Members agreed that a shorter approval period was not necessary. Nevertheless, a shorter compliance period would be appropriate in view of the non-compliance of approval conditions in the two previous applications.

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site during the planning approval period;
- (c) no car dismantling or workshop activities should be undertaken within the site at any time during the planning approval period;
- (d) no vehicles of 5.5 tonnes or more, container vehicles, container trailers, were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the submission of drainage impact assessment within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2008;

- (f) in relation to (e) above, the provision of stormwater drainage facilities as well as the flood mitigation measures proposed in the drainage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (g) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.6.2008;
- (h) in relation to (g) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (i) the submission of vehicular run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.6.2008;
- (j) in relation to (i) above, the provision of vehicular run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.9.2008;
- (k) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (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 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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) should the application be approved, the applicant would be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) shorter compliance period was stipulated so as to monitor the fulfilment of approval conditions;
- (c) resolve any land issues relating to the development with the other concerned land owner(s);
- (d) note the District Lands Officer/Tuen Mun, Lands Department's comments that application should be submitted to his office for a Short Term Tenancy to regularize the occupation of Government land and to set back the existing fencing thereon; and the need to apply to his office for Short Term Waiver for the erecting of temporary structures,
- (e) note the Chief Engineer/Development(2), Water Supplies Department's comments that the existing water mains would be affected and that the applicant should bear the cost if any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 meters from the centreline of the concerned water main should be provided to his office. No structure should be erected over the waterworks reserve and such area

should not be used for storage purposes. The Water Authority and his officers and contractors, his and their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise.

- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of any planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; container used as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new building works for approval under the BO was required; and to note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and
- (g) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/TM-LTY Y/166 Proposed House
(New Territories Exempted House – Small House)
in "Village Type Development" and "Green Belt" zones,
Lot in 1549F and 1550A in DD 130,
Tsing Chuen Wai,
Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/166)
-

Presentation and Question Sessions

105. Mr. Wilson W.S. Chan, STP/TMYL, 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 – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from the Tuen Mun Rural Committee was received supporting the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper.

106. In response to the Chairperson’s question, Mr. Wilson W.S. Chan replied that despite that the footprint of the proposed Small House was within the “Village Type Development” zone, the entire application site encroached on “Green Belt” zone which, according to the revised Interim Criteria for assessing planning applications for NTEH/ Small House development, would require planning approval.

Deliberation Session

107. 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 7.3.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if any non-exempted site formation works and/or communal drainage systems were involved, plans should be submitted by an authorized person to the Building Authority for approval prior to the commencement of the said works;
- (b) note the Director of Fire Services's comments that emergency vehicular access (EVA), fire hydrant and fire service installations would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and fire services installations would be formulated upon the receipt of formal application referred by the District Lands Officer/Tuen Mun;
- (c) note the Director of Electrical and Mechanical Services's comments that 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 electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the development; and
- (d) note the Antiquities and Monuments Office, Director of Leisure and Cultural Services (AMO of LCSD)'s comments that as the site was in the vicinity to the Tsing Chuen Wai Archaeological Site, the applicant was

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper.

110. Members had no question on the application.

Deliberation Session

111. 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 7.3.2012, 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 condition that the provision of fire service installations for the proposed tutorial school to the satisfaction of the Director of Fire Services (D of FS) or of the TPB.

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

- (a) note the D of FS's comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans/licence application;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments as detailed in paragraph 10.1.4 of the Paper;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (d) to liaise further with the Secretary for Education with regard to the school registration matter.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/TSW/43 Proposed Office (Telebet Centre) cum Training Centre in “Residential (Group A)” zone, 1/F(Part), 2/F(Part) and 5/F(Part) of Car Park Block, Tin Heng Estate, Tin Shui Wai
(RNTPC Paper No. A/TSW/43)
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113. The application was submitted by the Hong Kong Housing Authority (HKHA) for a proposed Hong Kong Jockey Club (HKJC) Telebet Centre cum Volunteers and Training Centre. The following Members had declared interests in this item :

- | | |
|---|---|
| Mrs. Ava Ng
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of HKHA |
| Ms. Margaret Hsia
as the Assistant Director (2) of Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA |
| Mr. C.S. Mills
as the Assistant Director (New Territories) of Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA |
| Messrs. B.W. Chan and Y.K. Cheng | - being former HKHA members |
| Mr. Michael K.C. Lai | - being the Chief Executive Officer of St. James Settlement (SJS) which operated an creative media workshop on the same car park block (5/F) of the application site in Tin Heng Estate |
| Messrs. B.W. Chan and Alfred Donald Yap | - Voting members of HKJC |

[Messrs. Michael K.C. Lai, C. S. Mills, B.W. Chan and Y.K. Cheng left the meeting temporarily at this point.]

114. The Committee noted that Ms. Hsia had tendered apologies for being unable to attend the meeting. Since both the Chairperson and Vice-Chairman had declared interests, Members agreed that the Chairperson should continue to chair the meeting out of necessity.

115. The Secretary said that based on the guidelines in the Town Planning Board Procedure and Practice, only the executive members of the HKJC should be regarded as having direct and substantial interests in the item, and would be required to leave the meeting during the discussion and determination of the item. For ordinary members, they should be allowed to stay at the meeting after declaring interests. In view of the above, Members agreed that voting members, who did not involve in decision making of the HKJC apart from membership appointments, should also be allowed to stay at the meeting after declaring interests.

[Prof. Nora F.Y. Tam left the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed office (telebet centre) and training centre;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from a Yuen Long District Councillor was received supporting the application which would create new jobs for the Tin Shui Wai residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. According to paragraph 12.1 of the Paper, given the proposed development

was accountable for non-domestic GFA, its approval would result in the total GFA of Tin Heng Estate exceeding the administrative plot ratio of 5. As the proposed development would provide much needed job opportunities and welfare services to Tin Shui Wai New Town, a planning approval for the life-time of the Car Park Block would be tolerated.

117. Members had no question on the application.

Deliberation Session

118. Noting the remark in paragraph 12.1 of the Paper, the Chairperson suggested that a condition specifying the planning permission would only be applicable for the life-time of the Car Park Block should be imposed. Members agreed.

119. 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 7.3.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of car parking spaces and loading/unloading facilities in the Car Park Block to the satisfaction of the Commissioner for Transport or the TPB;
- (b) the provision of fire service installations for the proposed Telebet Centre cum Volunteers and Training Centre to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the planning permission was only applicable for the life-time of the Car Park Block and such permission should lapse upon material change of use was effected, or a development or redevelopment was undertaken.

[Messrs. Michael K.C. Lai, C. S. Mills and B.W. Chan returned to join the meeting temporarily at this point.]

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL/158 Proposed Shop and Services and Eating Place
in “Residential (Group B)” zone,
Parts of G/F and 1/F of a Planned Residential Building
at Lot 4537RP in DD 116,
Tai Kei Leng,
Yuen Long

(RNTPC Paper No. A/YL/158)

120. The Secretary said the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Alfred Donald Yap, having current business dealings with HLD, had declared interests in this item.

[Mr. Alfred Donald Yap left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services and eating place;

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

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

- (d) during the statutory publication period, four public comments were received. The management agency of Sereno Verde forwarded results of the residents' survey on the application which comprised a slight majority of objection. The villagers of Tai Kei Leng and a member of the public objected to the application. The main concern was the adverse impacts on noise, odour, harmful gas, traffic, public order and environmental hygiene; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. Regarding the local concerns, the small scale of the proposed development would unlikely generate traffic, environmental and hygiene problems. The applicant would be required to comply with all other requirements before obtaining a food licence. Concerned departments had no adverse comments on the application.

122. In response to the Chairperson's query, Mr. W.M. Lam replied that as the submission did not specify the ingress and egress points, an approval condition on the design and provision of vehicular access point and loading/unloading facilities was suggested to address the concerns of the Transport Department.

Deliberation Session

123. 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 7.3.2012, 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 design and provision of vehicular access point and parking and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the provision of emergency vehicular access, water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of drainage plans under the drainage referral from Buildings Department to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long's comments that should the Board approve the application, the applicant was required to apply to his office for a land exchange for implementing the proposed development. However, there was no guarantee that the land exchange application would eventually be approved. Site area and boundary would be verified during processing of the land exchange application;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the same road/path/track should be clarified. Besides, the applicant should, by way of a traffic impact assessment, demonstrate that adequate parking and loading/unloading facilities could be provided within the subject development in accordance with Hong Kong Planning Standards and Guidelines, and suitable traffic improvement measure should be proposed to address the vehicular access arrangement, if any, to the subject site;
- (c) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access in the subject site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Buildings (Planning) Regulation 41D;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the 'planned residential building' including the proposed shop, service and restaurant on G/F and 1/F should be submitted for approval. Detailed checking would be carried out at building plan submission stage;
- (e) note the Director of Food and Environmental Hygiene's comments that in all circumstance, applicant was required to comply with all requirements under the legislation administrated by Food and Environmental Hygiene Department and other relevant Government Departments before consideration of the issue of food licence; and
- (f) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the site fell within Scheduled Area No. 2 and might be underlain by cavernous marble. For any development or redevelopment of the site, extensive geotechnical investigation would be required. Such investigations might reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site. Any private development proposals were required to be submitted to the Building Authority for approval.

[Mr. Alfred Donald Yap returned to join the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-PS/280 Proposed Minor Relaxation of Building Height Restriction from 13.5m to 15.42m for a Permitted Vehicle Repair Workshop Development in “Industrial” zone, Lots 392 and 393 in DD 127, Yuen Long
(RNTPC Paper No. A/YL-PS/280)
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Presentation and Question Sessions

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

- (a) background to the application;

[Mr. Tony C.N. Kan returned to join the meeting at this point.]

- (b) the proposed minor relaxation of the building height restriction from 13.5m to 15.42m for a permitted vehicle repair workshop development;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper.

126. Mr. Ambrose Cheong suggested to revise the proposed advisory clause asking the applicant to check and clarify the management and maintenance of the access road.

Deliberation Session

127. 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 7.3.2012, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long's comments that a land exchange was required to implement the proposal;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments to check and clarify the land status, management and maintenance responsibilities of the road/path/track leading to the site;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance should be deducted from the site area for the purpose of site coverage and plot ratio calculations; public right-of-way within the site should be deducted from the site area for the purpose of site coverage and plot ratio calculations; the proposed site coverage should not exceed the permissible figure specified in the First Schedule of Building (Planning) Regulation (B(P)R); attention should be drawn to the provision of emergency vehicular access for buildings to be erected on site under B(P)R 41D; and detailed consideration would be made at building plan submission stage; and

- (d) during the statutory publication period, one public comment from the village representative of Pang Ka Tsuen was received objecting to the application mainly on drainage and, traffic safety grounds and the damage of nearby water supply facilities by the vehicular traffic generated. The District Officer (Yuen Long) received the same objection; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 11 of the Paper. To address the local concern on drainage impacts, appropriate approval conditions were recommended requiring the provision of proper drainage facilities. On the issues of traffic safety and damage of water supply facilities, the concerned departments had no adverse comments.

130. In response to the Chairperson's query, Miss Paulina Y.L. Kwan replied that it was the applicant who proposed the operation hours of the temporary vehicle park would be from 8:30 a.m. to 6:30 p.m.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time

during the planning approval period;

- (d) no night-time operation between 6:30 p.m. and 8:30 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2008;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2008;
- (j) the provision of a 9-litres water type/3kg dry powder fire extinguisher within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (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) and (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.

132. 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) should the application be approved, the applicant should be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application;
- (c) note the District Lands Officer/Yuen Long's comments that his office reserves the right to take lease enforcement action against the irregularities and the applicant should apply for the issue of Short Term Wavier to regularize the irregularities on site;
- (d) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) to minimise any potential environmental nuisances;
- (e) note DEP's comments that any wastewater discharge from the development was controlled under the Water Pollution Control Ordinance. The Regional Office (North) of the Environmental Protection Department should be consulted for details;

- (f) note the Chief Town Planner/Urban Design and Landscape's comments on the landscape proposal submitted;
- (g) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments on the drainage proposal submitted;
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to co-ordinate all building works; and
- (i) note the Director of Electrical and Mechanical Services' comments that 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 electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-KTS/414 Temporary Open Storage of Private Vehicles
for a Period of 3 Years
in "Agriculture" zone,
Lots 1023(Part), 1024(Part) and 1026RP(Part) in DD 113
and Adjoining Government Land,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTS/414)
-

133. The Secretary said Top Bright Consultants Ltd. (TBC) was a consultant of the application. Dr. James C.W. Lau, having current business dealings with TBC, had declared interests in this item.

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

Presentation and Question Sessions

134. Miss Paulina Y.L. Kwan, 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 private vehicles for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as there were large scale active farmland nearby and the high rehabilitation potential of the application site for agricultural purposes such as indoor cultivation. The Chief Town Planner/Urban Design and Landscape (CTP/UDL) did not support the application as the temporary use was not in keeping with the existing rural landscape character. The Director of Environmental Protection did not support the application as there were sensitive receivers, i.e. existing residential structures in the vicinity of the application site and environmental nuisance was expected;
- (d) during the statutory publication period, two public comments from a Yuen Long District Councillor and the representative of the indigenous villagers of Ho Pui Village were received objecting to the application on noise, traffic and environmental grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper.

The development was not in line with the planning intention of the “Agriculture” zone, No strong justification has been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The temporary use was not compatible with the surrounding land uses which are predominantly rural in character. It was not in line with the Town Planning Board Guidelines No. 13D in that there was no previous approval for open storage use on the application site and there were adverse departmental comments.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong 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. 13D in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from Government departments;
- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and

- (d) 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 a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-KTS/415 Temporary Restaurant
for a Period of 3 Years
in “Agriculture” zone,
Lots 1637RP, 1649A (G/F) and 1649RP (G/F) in DD 106,
Kam Sheung Road,
Yuen Long
(RNTPC Paper No. A/YL-KTS/415)
-

[Dr. James C.W. Lau returned to join the meeting at this point.]

Presentation and Question Sessions

137. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary restaurant for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures in the vicinity of the application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 11 of the Paper, PlanD considered that the temporary use could be tolerated and suggested shorter compliance periods to monitor the fulfilment of approval conditions. To address DEP's concern, an appropriate advisory clause was recommended. The development would also need to comply with all relevant environmental hygiene requirements for application for a restaurant licence.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) the maintenance of all landscape plantings within the site at all time during the planning approval period;
- (b) the removal of all up-lights that were mounted to the trunks of the existing *Roystonea regia* within 3 months to the satisfaction of the Director of Planning or of the TPB by 7.6.2008;
- (c) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.6.2008;
- (d) in relation to (c) above, the implementation 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 7.9.2008;
- (e) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.6.2008;

- (f) in relation to (e) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 7.9.2008;
- (g) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (b), (c), (d), (e) or (f) 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.

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that his office reserves the right to take lease enforcement action against unauthorized structures on site and the applicant should apply for issue of Short Term Wavier to regularize the unauthorized structures, and his comment on the maintenance responsibility of the access of the site;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the strip of land between the site and Kam Sheung Road should be checked with the lands authority. The provision, management and maintenance responsibilities of that strip of land should be clarified;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to

minimise any potential environmental nuisances;

- (e) note the Director of Fire Services's comment that detailed fire safety requirement would be formulated upon receipt of formal application referred by the Director of Food and Environmental Hygiene, and his comments on the unauthorized building works within the site;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works;
- (g) note the Director of Electrical and Mechanical Services' comments that 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 electricity supply lines. Prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and/or his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the low voltage supply lines away from the vicinity of the proposed structure; and
- (h) note the Director of Food and Environmental Hygiene's comments that a valid restaurant licence should be obtained if food business would be carried out at the site.

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

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours, activities and use of heavy vehicles and advisory clause were recommended.

142. Members had no question on the application.

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.3.2011, 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. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy vehicles, i.e. over 24 tonnes, were allowed for the operation of the site at any time during the planning approval period;
- (e) all landscape plantings within the site should be maintained at all time during the planning approval period;
- (f) the existing drainage facilities within the site should be maintained in good condition to the satisfaction of the Director of Drainage Services during the

planning approval period;

- (g) 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 7.9.2008;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) note the District Lands Officer/Yuen Long's comments that his office reserves the right to take lease enforcement action against unauthorized structures on site and the applicant should apply for issue of Short Term Wavier to regularize the unauthorized structures, and his comment on the access of the site;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Kam Sheung Road should be checked with the lands authority. The management and maintenance responsibility of the access road should be clarified;
- (d) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) note the Director of Fire Services's comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (h) note the Director of Electrical and Mechanical Services' comments that 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 electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and his contractors should consult CLP Power Hong Kong Limited (CLPP) and, if necessary,

ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (xv) A/YL-PH/556 Temporary Open Storage of Excavators and Loaders
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 159(Part), 160(Part), 162(Part), 163(Part),
164(Part) in DD 108 and Adjoining Government Land,
Ta Shek Wu,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/556)
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Presentation and Question Sessions

145. Miss Paulina Y.L. Kwan, STP/TMYL, said that two replacement pages (pages 10 and 11) were tabled at the meeting for Members’ reference. She presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of excavators and loaders for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours and activities and an appropriate advisory clause were recommended.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, 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. Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no repairing, maintenance, dismantling and workshop activities, as proposed by the applicant, were allowed on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all time during the planning approval period;
- (e) 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 7.9.2008;
- (f) in relation to (e) above, the implementation 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 7.12.2008;

- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (h) in relation to (g) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) resolve any land issue relating to the development with the concerned owners of the application site;
- (b) planning permission should have been renewed before continuing the applied use at the application site;
- (c) note DLO/YL's comments that no structures were allowed to be erected without prior approval from his Office. His recent site inspection revealed that an unauthorized structure (office) was erected on the site which

involved both private land and Government land. The applicant should apply to his Office for a Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application was received/approved, his Office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement/control programme. The site was accessible by an informal track from Fan Kam Road which ran through open Government land. The track on Government land was without maintenance works to be carried out thereon by his Office. Also, his Office would not guarantee right-of-way to any proposed STW/STT even if the subsequent regularization proposal was approved;

- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of proposed access road between the site and Fan Kam Road and the management and maintenance responsibilities of the access road leading to the site from Fan Kam Road should be checked;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (f) 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 alleviate any potential environmental nuisance;
- (g) note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the applicant intends to implement the same drainage facilities as those for the previous application No. A/YL-PH/487. However, the existing drainage facilities as shown in the applicant's supplementary statement were not completely in line with those under Application No. A/YL-PH/487. The applicant

should clarify on the issue;

- (h) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. 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 building plans incorporated with the proposed FSIs to his Office for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO);
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the 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; and
- (j) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site and high voltage overhead lines in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage/high voltage overhead lines away from the vicinity of the proposed development.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvii) A/YL-TYST/381 Proposed Temporary Open Storage of
New Household Electrical Appliances and Furniture
for a Period of 3 Years in “Undetermined” zone,
Lots 1160, 1161, 1163B(Part), 1164RP(Part),
1174 and 1175 in DD 119,
Kung Um Road,
Yuen Long
(RNTPC Paper No. A/YL-TYST/381)
-

151. The Secretary said Top Bright Consultants Ltd. (TBC) was a consultant of the application. Dr. James C.W. Lau, having current business dealings with TBC, had declared interests in this item.

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

Presentation and Question Sessions

152. Miss Paulina Y.L. Kwan, 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 new household electrical appliances and furniture for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours, storage area, activities and use of heavy vehicles and an appropriate advisory clause were recommended.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) goods should only be stored within the covered shed structure on the application site at any time during the planning approval period;
- (d) no dismantling, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at any time during the planning approval period;

- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2008;
- (i) 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 7.9.2008;
- (j) in relation to (i) 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 7.12.2008;
- (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 TPB by 7.9.2008;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) prior planning permission should have been obtained before commencing the applied use and erecting any structure at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserves the right to take enforcement action against the unauthorised structures erected on the site. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement programme. Moreover, the vehicular access from Kung Um Road leading to the site ran through various private lots and Government land without particular maintenance works to be carried out thereon;
- (d) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain vehicular access track between the site and Kung Um Road;

- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (g) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance; and
- (h) note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead poles and overhead lines in the vicinity of the site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the overhead lines, the applicant and/or his contractors should consult CLPP and, if necessary, ask CLPP to divert the overhead lines away from the vicinity of the proposed structure.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-TYST/382 Proposed Minor Relaxation of Building Height Restriction from 15m to 18m for a Permitted 4-storey Warehouse (excluding Dangerous Goods Godown) Development in “Industrial” zone,
Lot 1300BRP in DD 121,
Ping Tong Street South,
Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/382)
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156. Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. The Committee noted that Dr. Lau had left the meeting temporarily.

Presentation and Question Sessions

157. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 15m to 18m for a permitted 4-storey warehouse (excluding dangerous goods godown) development;
- (c) departmental comments – the Chief Architect/Advisory and Statutory Compliance of the Architectural Services Department (CA/ASC, ArchSD) advised that the building appeared to be quite massive by judging from the elevations. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation on the application as there were insufficient justifications for the proposed increase which was not considered minor and there was no strong design merit of the proposed building;

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

- (d) during the statutory publication period, two public comments from a Yuen Long District Councillor and a local resident were received objecting to the application on land use, traffic and environment grounds. The District Officer (Yuen Long) (DO/YL) received one objection from a village representative of Fui Sha Wai against the application on environment and traffic grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 11 of the Paper in that the proposed relaxation, which would result in a bulky building at the application site, was not considered minor. There was insufficient information in the submission to justify the proposed relaxation, and to demonstrate that the proposed building was compatible with the surrounding environment. Concerned departments had adverse comments on the visual and landscape impacts of the application.

158. In response to the Chairperson's query on the juxtaposition of the "Industrial" zone and residential zones, Miss Paulina Y.L. Kwan replied that some of the industrial uses in the area existed before the publication of the statutory plan.

Deliberation Session

159. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed relaxation of the building height restriction from 15m to 18m, which was equivalent to an increase of 3m or 20%, was not considered minor. There was no strong justification to substantiate the relaxation sought;
- (b) there was insufficient information in the submission to demonstrate that the proposed development would not cause adverse visual and landscape

impacts on the surrounding areas; and

- (c) the approval of the application would set an undesirable precedent for other similar applications for relaxation of building height restriction in the area. The cumulative effect of approving such applications would adversely affect the existing building height profile of the subject low-rise industrial area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xix) A/YL-TYST/383 Temporary Warehouse for Storage of Office Equipment for a Period of 3 Years in “Undetermined” zone, Lots 1487(Part), 1488A(Part), 1488RP(Part) and 1489(Part) in DD 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/383)
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160. Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. The Committee noted that Dr. Lau had left the meeting temporarily.

[Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

Presentation and Question Sessions

161. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

[Ms. Carmen K.M. Chan left the meeting temporarily at this point.]

- (b) the temporary warehouse for storage of office equipment for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 11 of the Paper. To address DEP's concern, appropriate approval conditions restricting operation hours, types of goods to be stored, activities and use of heavy vehicles and an appropriate advisory clause were recommended.

162. Members had no question on the application.

Deliberation Session

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed during the planning approval period;

- (c) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (d) no open storage, dismantling, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy vehicles, i.e. over 24 tonnes, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at any time during the planning approval period;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.12.2008;
- (i) 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 7.9.2008;
- (j) in relation to (i) 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 7.12.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

164. 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) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserves the right to take enforcement/control action against the erection of unauthorised structures and occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement and land control programme. Moreover, the vehicular access from Kung Um Road leading to the site ran through various private lots and Government land without particular maintenance works to be carried out thereon;

- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track between the site and Kung Um Road;
- (g) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (h) note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance (BO);
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorised structures on the site were liable to action under section 24 of the BO. The granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as store was considered as temporary building and was subject to control under Building (Planning) Regulation Part VII. Formal submission of any proposed new

works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (j) note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead lines within the site. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

[Dr. James C.W. Lau and Ms. Carmen K.M. Chan returned to join the meeting at this point.]

[Mr. C.S. Mills left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xx) A/YL-HT/531 Temporary Open Storage of
Second-hand Electrical Appliances for a Period of 3 Years
in "Undetermined" zone,
Lots 1922RP(Part), 1923(Part), 1926(Part), 1941BRP(Part),
1942BRP(Part) and 1943(Part) in DD 125,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/531)
-

Presentation and Question Sessions

165. Mr. Anthony C.Y. Lee, 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 second-hand electrical appliances for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application, and was concerned about the use of heavy vehicles and container vehicles generating severe traffic noise to the sensitive receivers along Ping Ha Road, and the storage and breaking of television monitors causing soil and water pollution;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper in that the temporary use was not compatible with the residential dwellings in the vicinity of the application site, and the development did not meet the Town Planning Guidelines No. 13D as there were adverse departmental comments but the submission did not provide sufficient information to address the concerns.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that there was no information in

the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxi) A/YL-HT/532 Renewal of Planning Approval of
Temporary Open Storage of Containers
under Application No. A/YL-HT/379
for a Period of 3 Years until 18.3.2011
in “Undetermined” zone,
Lots 1807(Part), 1808RP(Part), 1815(Part), 1816, 1817,
1818(Part), 1819, 1820, 1821(Part), 1822(Part), 1823, 1825,
1826, 1827A, 1828(Part) and 1829 in DD 125,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/532)
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Presentation and Question Sessions

168. Mr. Anthony C.Y. Lee, 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 containers under Application No. A/YL-HT/379 for a period of 3 years until 18.3.2011;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

169. In response to Mr. Ambrose Cheong's query, Mr. Anthony C.Y. Lee replied that there were similar applications approved by the Committee before.

Deliberation Session

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.3.2011, on the terms of the application as submitted to the Town Planning Board 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 planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) the stacking height of the containers stored within 5 metres of the periphery of the site, as proposed by the applicant, should not exceed the height of the boundary fence;
- (e) the stacking height of containers stored at any other location within the site, as proposed by the applicant, should not exceed 8 units at any time during the planning approval period;
- (f) the existing trees on the site should be maintained at all times during the planning approval period;

- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/379 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/379 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to clarify the discrepancy

between the existing occupation were with that under application;

- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the Director of Fire Services’ comments to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)’s comments to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the supply of water to the premises under application and should be responsible for the construction, operation and maintenance of any such water mains to WSD’s standards;
- (f) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (g) note the Chief Engineer/Land Works, Civil Engineering and Development Department’s comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)” scheduled to commence in early 2009. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road might be raised

after the proposed improvement works, the applicant should be required to carry out necessary modification works at their own expense in future to tie in the interface with the said project.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxii) A/YL-HT/533 Renewal of Planning Approval for Temporary Open Storage of Containers and Ancillary Office, Parking of Vehicles and Maintenance Workshop under Application No. A/YL-HT/383 and 383-1 for a Period of 3 Years until 18.3.2011 in “Comprehensive Development Area” zone, Lots 38(Part), 54(Part), 55, 56(Part), 57(Part) and 63(Part) in DD 128, Lots 2999(Part), 3000RP(Part), 3001RP, 3003RP(Part), 3004(Part), 3005, 3006, 3007, 3008RP, 3009RP, 3010RP, 3011RP, 3012RP, 3013, 3014, 3015, 3016(Part), 3017(Part), 3020(Part), 3021(Part), 3035RP(Part), 3036(Part), 3037(Part), 3038RP, 3039(Part), 3040RP(Part), 3041RP, 3042RP, 3043(Part), 3044(Part), 3045RP, 3046RP(Part), 3047RP, 3051(Part), 3053(Part), 3055(Part), 3056A(Part), 3056B(Part), 3058(Part), 3062(Part), 3063(Part), 3064, 3065(Part), 3067(Part), 3068(Part), 3069(Part), 3070(Part), 3071, 3072(Part), 3073A(Part), 3106(Part), 3107, 3108(Part), 3134RP and 3135(Part) in DD 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/533)
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Presentation and Question Sessions

172. Mr. Anthony C.Y. Lee, 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 containers and ancillary office, parking of vehicles and maintenance workshop under Applications No. A/YL-HT/383 and 383-1 for a period of 3 years until 18.3.2011;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the application site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper. To address DEP's concern, appropriate approval conditions restricting the operation hours, the stacking height of the containers/materials and the activities, and an appropriate advisory clause were recommended.

173. Mr. Anthony C.Y. Lee added that a replacement page (Plan A-2) was tabled at the meeting for Members' reference.

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 18.3.2011, 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 8:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, and storage) of waste materials and used electrical/electronic appliances including television, computer monitors and cathode-ray tubes should be permitted on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (f) the drainage facilities implemented on the site under Applications No. A/YL-HT/383 and 383-1 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 planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.9.2008;
- (i) in relation to (h) above, the implementation of the 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 7.12.2008;

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) for the unauthorized structure on site. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme. The applicant was also required to clarify the discrepancy between the application site and the existing occupation area;

- (d) note the Chief Engineer/Development (2), Water Supplies Department (WSD comments to resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the supply of water to the premises under application and should be responsible for the construction, operation and maintenance of any such water mains to WSD's standards;
- (e) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that ingress/egress via Ping Ha Road to/from the proposed site might be affected during the construction period for the widening of Ping Ha Road. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road might be raised after the proposed improvement works, the applicant should be required to carry out necessary modification works at their own expense in future to tie in the interface with the said project.
- (f) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. 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 building plans incorporated with the proposed FSIs to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance.
- (g) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection; and
- (h) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and

maintenance authorities accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxiii) A/YL-HT/534 Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years in “Undetermined” zone,
Lots 1668BRP(Part), 1835, 1839, 1840, 1841A, 1841B, 1842(Part), 1846(Part), 1852RP(Part), 1853, 1854, 1855, 1856, 1857RP(Part), 1864RP, 1881, 1882RP, 1883, 1884RP, 1885, 1886, 1887, 1888, 1889, 1890, 1891RP, 1893RP, 1894, 1895RP, 1911, 1959ARP(Part), 1967BRP(Part), 1968(Part), 1969(Part), 1970, 1971RP(Part), 1972, 1973, 1974, 1975, 1976RP, 1977, 1978, 1979, 1980RP(Part), 1986RP(Part), 1988RP, 1989RP(Part), 1990, 1991RP and 1992RP in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/534)
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Presentation and Question Sessions

177. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and materials for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during the statutory publication period;
and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

178. Members had no question on the application.

Deliberation Session

179. The Chairperson remarked that with completion of the West Rail project, opportunity should be taken to review the use of the area to guide future development.

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, 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. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, concrete crushing and workshop activity was allowed on the site at any time during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/380 should be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/380 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.12.2008;
- (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; and
- (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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the unauthorised structures on site and the unauthorised occupation of Government land. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement and land control programme;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (f) note the Director of Fire Services' comments to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance, and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (h) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of

Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)” scheduled to commence in early 2009. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road might be raised after the proposed improvement works, the applicant should be required to carry out necessary modification works at their own expense in future to tie in the interface with the said project.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxiv) A/YL-HT/535 Temporary Open Vehicle Park
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 826B1RP, 826B1A(Part), 829B, 830RP, 831, 832,
833RP, 834, 837BRP, 838(Part) and 839(Part) in DD 125,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/535)
-

Presentation and Question Sessions

182. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open vehicle park for a period of 3 years
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period;
and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

183. Members had no question on the application.

Deliberation Session

184. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.3.2011, 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 pm to 8:00 am, as proposed by the applicant, was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site;
- (d) the maintenance of all existing landscape planting on the site during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/309 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.9.2008;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher within 6 months from the date of planning approval to the satisfaction of

the Director of Fire Services or of the TPB by 7.9.2008;

- (h) if the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time during the 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 above 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 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to clarify the discrepancy between the existing occupation area with that under application;
- (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; and

- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxv) A/YL-LFS/172 Proposed Recreational Development
(Including Barbecue Spot, Refreshment Kiosk,
Hobby Farming, Fishing Ground, Children Playground
and Ancillary Public Car Park)
in "Green Belt" and "Open Space" zones,
Lots 1601(Part), 1604, 1605, 1606, 1607, 1608, 1609,
1610A, 1610B, 1610C, 1611, 1612, 1613(Part), 1615,
1616(Part) in DD 129 and Adjoining Government Land,
Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/172)
-

Presentation and Question Sessions

186. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed recreational development (including barbecue spot, refreshment kiosk, hobby farming, fishing ground, children playground and ancillary public car park);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had reservation on the application as the

extensive barbeque area and car park would create large pieces of hard-paved surface area which further reduced the landscape quality of the existing “Green Belt”;

- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 12 of the Paper. The technical concern raised by CTP/UD&L could be addressed by appropriate approval conditions.

187. Members had no question on the application.

Deliberation Session

188. 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 7.3.2012, 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) no public vehicle parking was allowed on the site;
- (b) the submission of a Drainage Impact Assessment (DIA) and implementation and maintenance of the flood mitigation measures/provision of stormwater drainage facilities identified in the DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission and implementation of fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB; and

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

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

- (a) to resolve any land issues relating to the development with other concerned owners of the application site;
- (b) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. The proposed structures on site should be covered through application of Short Term Waiver and Short Term Tenancy to his Office;
- (c) to note the following comments of the Chief Engineer/Mainland North, Drainage Services Department on the drainage proposal :
 - (i) the connection details and the information of the discharge point should be given in the drainage proposal;
 - (ii) the details of boundary wall should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. The application should construct open channels of adequate sizes on both size of the wall or construct adequate openings at the foot of the wall to allow the passage of rainwater from adjacent areas;
 - (iii) the applicant was required to ensure that the drain which the runoff collected by the subject site would be discharged was adequate to discharge the additional flow from the subject site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside subject lot;

- (iv) as the site occupies an area more than 2 ha, from a public viewpoint, the developer should be required to demonstrate clearly that the proposed development would not cause increase in flooding susceptibility of the adjacent areas in a DIA;

- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the said under Ordinance or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure (i.e. refreshment kiosk, mobile toilets, carpark shroff and management office) for approval under the BO was required; and if the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation 19(3) during the building plan submission stage;

- (e) to note the Director of Fire Services' comments to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the BO, and that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the proposed barbeque area and the car park were extensive. This would create a large piece of hard-paved surface area and further reduce the landscape quality of the existing Green Belt;

- (g) to note the Director of Food and Environmental Hygiene's comments that a valid licence must be obtained under the Food Business Regulation, made under Section 56 of Public Health and Municipal Services Ordinance, cap. 132, if food was prepared or served for the visitors of the park.

Wastes generated from the site were treated as trade wastes and should be handled at the applicant's own costs and not be dumped at any of their refuse collection facilities; and

- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxvi) A/YL-MP/164 Renewal of Planning Approval for Temporary Shop and Service (Estate Agent) Use under Application No. A/YL-MP/142 for a Period of 3 Years until 24.6.2011 in "Open Space" zone, Lot 2873 in DD 104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/164)
-

Presentation and Question Sessions

190. Mr. Anthony C.Y. Lee, 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 shop and service (estate agent) under Application No. A/YL-MP/142 for a period of 3 years until 24.6.2011;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment given in paragraph 12 of the Paper.

191. Members had no question on the application.

Deliberation Session

192. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 24.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the landscape planting on the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities implemented on the site under Application No. A/YL-MP/142 should be maintained at all times during the planning approval period;
- (c) the provision of the 3kg dry powder/9 litre water type fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.9.2008;
- (d) 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;

- (e) if the above planning condition (c) 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
- (f) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department (DSD)'s comments that the applicant was required to arrange a joint site inspection of the completed drainage works with DSD; the applicant was fully responsible for the proper maintenance of the drainage facilities on site; the applicant should not disturb all existing drains and streams in its vicinity; and no public sewerage maintained by his Office was currently available for connection; and
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on 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. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxvii) A/YL-NTM/222 Proposed Temporary Container Vehicle Park with Ancillary Repairing Workshop for a Period of 5 Years in “Open Storage” zone, Lots 2327, 2328(Part), 2329, 2330, 2344, 2345, 2346, 2347, 2348, 2349, 2844RP, 2845(Part), 2849(Part), 2850, 2851RP, 2854, 2855, 2856, 2857, 2858RP, 2859RP, 2861(Part), 2863(Part), 2864, 2865, 2866(Part), 2870(Part), 2874(Part), 2875(Part), 2893(Part), 2895(Part), 2896(Part), 2897, 2898(Part) and 2899(Part) in DD 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/222)
-

Presentation and Question Sessions

194. The Committee noted that on 19.2.2008, the applicant requested the Town Planning Board to defer consideration of the application in order to allow time to prepare supplementary information to address the departmental comments.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(xxviii) A/YL-ST/348 Proposed Temporary Cargo Handling
and Freight Forwarding Facilities for a Period of 3 Years
in “Other Specified Uses” annotated
“Comprehensive Development to include
Wetland Restoration Area” zone,
Lots 5 and 6(Part) in DD 105
and Adjoining Government Land,
San Tin
(RNTPC Paper No. A/YL-ST/348)

Presentation and Question Sessions

196. Mr. Anthony C.Y. 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 cargo handling and freight forwarding facilities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the applicant did not provide information to demonstrate that the proposed use would not have negative off-site impacts on the ecological value of the fishponds in the Wetland Conservation Area to the north;
- (d) during the statutory publication period, one public comment from members of the Ming Yuen Tong was received objecting to the application mainly on the grounds that despite their repeated requests for clearing up the application site, the occupier had illegally used the application site without

their consent. The District Officer (Yuen Long) (DO/YL) received the same objection letter; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment given in paragraph 12 of the Paper in that the development was not in line with the planning intention of the “Other Specified Use” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”), did not comply with the Town Planning Board (TPB) Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’, nor in line with the TPB Guidelines No. 13D for ‘Application for Open Storage and Port Back-up Uses’. Concerned departments did not support the application.

197. Members had no question on the application.

Deliberation Session

198. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;
- (b) the development did not comply with the revised Town Planning Board Guidelines No. 12B for “Application for Developments within Deep Bay Area” in that there was no information in the submission to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and

- (c) the development was not in line with the Town Planning Board Guidelines No. 13D in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding areas.

Agenda Item 12

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/80-4 Proposed Class B Amendment to the
Approved Residential Development
under Application No. A/YL-LFS/80
in “Green Belt” zone,
Various Lots in DD 129 and Government Land,
Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/80-4)

Presentation and Question Sessions

199. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed Class B amendments to approved residential development under Application No. A/YL-LFS/80 summarised in paragraph 5 of the Paper;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) the District Officer (Yuen Long) (DO/YL) advised that numerous objections from the village representatives and local villagers were received mainly on traffic congestion, pedestrian safety, blockage of access to burial ground, fung shui and environment grounds. Support letters were also received from local villagers who were also concerned about the traffic congestion, and blockage of television/mobile communication signals. The Chairman of Ping Shan Rural Committee and a Yuen Long District Councillor expressed concern on the traffic and sewerage system, and suggested the widening of Deep Bay Road to address the traffic concern; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper. The local concerns could be addressed by the approval conditions. It was noted that the applicant would upgrade the existing haul road to Tin Shui Wan, provide an interim sewage treatment plant and reed bed for sewage treatment, upgrade the existing trail and construct a new trail to the burial ground.

200. Mr. Anthony C.Y. Lee added that a replacement page (page 16) was tabled at the meeting for Members' reference.

201. Members had no question on the application.

Deliberation Session

202. 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 26.4.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) submission of an updated Master Layout Plan to the satisfaction of the Director of Planning or of the TPB;

- (b) submission and implementation of an updated Landscape Master Plan including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) provision of a sewage treatment and effluent/sludge disposal arrangement to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) submission of a detailed Drainage Impact Assessment and drainage proposals and provision of drainage facilities proposed to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) provision of a detailed traffic impact assessment, a detailed design on internal access arrangement, vehicular access points and car parking spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) construction of an external access road from the application site to Tin Ying Road/Tin Wah Road Roundabout and provision of traffic arrangement to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) submission of ecological impact assessment on the new external access road and implementation of ecological mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) provision of emergency vehicular access and street fire hydrant to the satisfaction of the Director of Fire Services or of the TPB;
- (i) provision of a right-of-way to the nearby permitted burial ground to the satisfaction of the Director of Planning or of the TPB;

- (j) upgrading of the water supply network along Deep Bay Road to the satisfaction of the Director of Water Supplies or of the TPB; and
- (k) provision, management and maintenance of the public open space within the application site to the satisfaction of the Director of Leisure and Cultural Service or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that :
 - (i) the areas fronting the unacquired lots would be included in the re-grant boundary instead of being designated as yellow areas, and special conditions would be imposed into the future land grant requiring the grantee to reserve pedestrian access to the unacquired lots at all times;
 - (ii) to check with the Transport Department in order to work out a realistic requirement to reflect the planning scheme;
 - (iii) the revised site area should be subject to survey;
 - (iv) the boundary of Government land licence YS 631 would be revised as appropriate to exclude the area affected by the application site;
 - (v) to verify and cross-check the status of Lot No. 830 in D.D. 129 and the strip of land connecting Lots No. 936RP and 939RP;
 - (vi) to clarify whether this Refuse Collection Point (RCP) was intended to serve the proposed residential development or solely the public open space, and to locate the RCP within the residential portion in the former situation;
 - (vii) utility facilities including the sewage and drainage system serving

the proposed residential development should not be constructed within the public open space; and

- (viii) the developer should be responsible for all costs of construction, maintenance and management of the public open space and such costs were not allowable in the premium assessment of the land grant;
- (b) note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'s comments that :
- (i) motorcycle parking spaces should be provided at a rate of 10% of the total provisions for private cars;
 - (ii) no vehicle should reverse from the RCP to a public road and vice versa;
 - (iii) the planning, design and implementation of the new access road adjacent to the north side of the site, vehicular access points, internal road/traffic access layout, vehicle parking and loading/unloading provisions and their headrooms should be in accordance with the relevant standards/guidelines/regulations such as the Hong Kong Planning Standards and Guidelines and TD's Transport Planning and Design Manual etc; and
 - (iv) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that the vehicular access proposal should also be commented by TD. Unless TD stated otherwise, a run-in should be adopted at the access point instead of a junction. The run-in should be constructed in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to suit the type of pavement of adjacent footpath;

- (c) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the proposed Land Parcel C to be added as part of the open space in order to maintain the connection between the major part of the site and the individual open space to the west;
- (d) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
 - (i) the site should abut onto and accessible from a street having a width of not less than 4.5m. Such access to site must be completed prior to the application for an occupation permit;
 - (ii) the provision of open space should not be less than the requirement as stipulated in the Second Schedule of the Building (Planning) Regulation;
 - (iii) the proposed right-of-ways within the re-granted site providing access to the burial grounds should be deducted from the site area for the purpose of site coverage and plot ratio calculations under the Buildings Ordinance (BO);
 - (iv) any public right-of-way within the re-granted site providing access to those land-locked private lots (i.e. Lots No. 937RP, 849RP, 911ARP and 911BRP in DD 129) should be deducted from the site area for the purpose of plot ratio and site coverage calculations under the BO;
 - (v) area of any internal streets/roads required under section 16(1)(p) of the BO should be deducted from the site area for the purpose of site coverage and plot ratio calculations under the BO;

- (vi) recreational facilities were accountable for Gross Floor Area calculation under the BO, unless otherwise exempted; and
- (vii) note the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to every building.

[The Chairperson thanked Mr. Wilson W.S. Chan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), Mr. W.M. Lam, STP/TMYL, Miss Paulina Y.L. Kwan, STP/TMYL and Mr. Anthony C.Y. Lee, STP/TMYL for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 13

Any Other Business

204. There being no other business, the meeting was closed at 6 p.m.