

TOWN PLANNING BOARD

Minutes of 371st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.5.2008

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose S.Y. Cheong

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

Assistant Director/New Territories, Lands Department
Mr. Chris Mills

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

Secretary

Absent with Apologies

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

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
Ms. Christine K. C. Tse

Town Planner/Town Planning Board
Ms Cindy K. F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 370th RNTPC Meeting held on 18.4.2008

[Open Meeting]

1. The draft minutes of the 370th RNTPC meeting held on 18.4.2008 were confirmed subject to amendments to (i) change the title of “Chief Traffic Engineer (New Territories West)” to “Chief Traffic Engineer/New Territories West” and (ii) paragraph 120(d) Line 5 to replace “ ... road/path/track should be clarified and consult the relevant lands and maintenance authorities accordingly;” by “... road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;”.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Outline Zoning Plans

2. The Secretary reported that on 6.5.2008, the Chief Executive in Council approved the following two draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance and approval of the OZPs would be notified in the Gazette on 16.5.2008 :

- (a) Tai Tam & Shek O OZP (to be renumbered as S/H18/10); and
- (b) Yau Ma Tei OZP (to be renumbered as S/K2/20).

(ii) Abandonment of Town Planning Appeal

Town Planning Appeal No. 9 of 2007 (9/07)

Proposed Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a period of 3 Years in “Agriculture” zone,

Lot 384RP in DD 128, Ha Tsuen, Yuen Long

(Application No. A/YL-HT/471)

3. The Secretary reported that the subject appeal was received by the Town

Planning Appeal Board (TPAB) on 28.5.2007 against the decision of the Town Planning Board on 30.3.2007 to reject on review an application (No. A/YL-HT/471) for a proposed temporary warehouse (storage and sale of organic food and gardening plants) for a period of 3 years at a site zoned “Agriculture” on the Ha Tsuen OZP. On 28.3.2008, the appeal was abandoned by the appellant of his own accord. On 22.4.2008, the abandonment was confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(iii) Town Planning Appeal Statistics

4. The Secretary said that as at 9.5.2008, a total of 12 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	107
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	12
<u>Decision Outstanding</u>	:	<u>1</u>
Total	:	272

[Professor David Dudgeon arrived to join the meeting at this point.]

Sai Kung and Islands District

[Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Sessions Only)]

Report Back of Sai Kung District Council Consultation on the Proposed Amendments to the Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/15
(RNTPC Paper No. 6/08)

Presentation and Question Sessions

5. Mr. Wilfred C.H. Cheng, STP/SKIs, drew Members' attention to the replacement of Plan No. S/TKO/15D at Appendix I and P.11 and 15 at Appendix II of the Paper. With the aid of Powerpoint presentation, he presented the outcome of the consultation with the Sai Kung District Council (SKDC) on the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/15 and covered the following aspects as detailed in the Paper:

- (a) on 7.3.2008, the Committee considered the proposed amendments to the OZP under RNTPC Paper No. 02/08 prepared mainly on the basis of the recommendations of the Feasibility Study for Further Development of Tseung Kwan O (TKO). The Committee at its meeting agreed that the draft TKO OZP No. S/TKO/15C was suitable for consultation with SKDC;
- (b) the proposed amendments to the approved TKO OZP were presented to SKDC on 1.4.2008. SKDC gave its in-principle support for the proposed amendments except Items J and P;
 - (i) Item J was about the rezoning of the 'possible alignment for Clear Water Bay Road (CWBR) Improvement' in Area 111 from area shown as 'Road' to "Green Belt" (GB). Some SKDC Councillors suggested that the proposed alignment for CWBR Improvement in Area 111 should be retained to meet potential need in future. They were concerned about the need to improve the road link between the section from Tai Po Tsai to Hang Hau area, which included part of CWBR, Ying Yip Road and Hang Hau Road; and
 - (ii) Item P was about the rezoning of a strip of land in Area 26 from "Other Specified Uses" (OU) annotated "Bus Depot" and "Government, Institution or Community" (G/IC) to area shown as 'Road' and a piece of land in Area 40 from area shown as 'Road' to "Open Space" (O). Some SKDC Councillors indicated that the proposed bus depot site in Area 26 might not be of sufficient size to accommodate two bus depots for the two bus operators, namely,

the Kowloon Motor Bus Co. and the New World First Bus Co. They were also concerned about the potential environmental impacts generated by the operation of the bus depot on nearby residential estates and the potential fire hazard of the proposed bus depot to the existing TKO offtake station to its northwest. They requested that consideration should be given to relocating the bus depot site to other parts of TKO, particularly to the TKO Industrial Estate (TKOIE) in Area 87, which had a large amount of vacant land over a long period of time, or to the industrial area in Area 137.

- (c) in consultation with Transport Department (TD) and the Lands Department, Planning Department had the following responses:
 - (i) regarding the proposed amendment Item J, the Government had adopted the CWBR widening option instead of a bypass option. Hence, the road reserve for the possible alignment of the bypass option was no longer required and it was proposed to be deleted under Amendment Item J. Further, Assistant Commissioner for Transport/New Territories, TD would continue to monitor the traffic conditions and implement improvement measures as and when necessary to enhance traffic flow of the road links from Tai Po Tsai to Hang Hau area, which include part of CWBR, Ying Yip Road and Hang Hau Road; and
 - (ii) the proposed amendment Item P was a technical amendment mainly to reflect the finalized and completed alignment of the road scheme of the T1/P1/P2 Grade Separated Interchange (i.e. the interchange at the TKO Tunnel Road/Wan Po Road and Po Shun Road junction) gazetted under the Roads (Works, Use and Compensation) Ordinance. Consequential to the technical amendment of the road alignment, the boundary of the bus depot site would have to be adjusted slightly but there was no adverse impact on the proposed bus depot development. Since 1992, the planning intention of reserving the site in Area 26 for bus depot purpose had remained the same as reflected in all previous versions of the approved OZPs.

Regarding environmental concerns, appropriate environmental mitigation measures for the proposed bus depot development would be imposed to minimize any potential adverse impacts on nearby developments. About the concern on the potential fire hazard to the offtake station, there was an existing telephone exchange between the offtake station and the bus depot site. Concerned departments had no objection to the locations of the proposed bus depot and the offtake station. In addition, the proposed bus depot development would be equipped with appropriate fire safety installations in compliance with the fire safety regulations and standards.

- (d) regarding the suggestion of relocating the proposed bus depot to TKOIE in Area 87 by some SKDC Councillors, TKOIE was zoned “OU” annotated “Industrial Estate” (“OU(IE)”) on the approved TKO OZP No. S/TKO/15. It was intended primarily to provide/reserve land for the development of an industrial estate. Bus depot use did not appear to fit into the vision of TKOIE, which was primarily for manufacturing and service industries which could help broaden the base of industry and upgrade technology levels. Besides, there was no provision for the proposed bus depot development under the “OU(IE)” zoning, according to the Notes of this zone;
- (e) regarding Area 137, it was currently zoned “OU” annotated “Deep Waterfront Industry”. At present, it was one of the very few remaining pieces of land in the territory reserved for special industries which required marine access, access to deep water berths or water frontage. The proposed relocation of the bus depot use to this area might compromise the planning intention of the area and was considered not appropriate.
- (f) Opportunity was taken to update the zoning boundary of the “OU” annotated “Landing Steps” (“OU(LS)”) and the adjacent “O” zonings to tally with the latest design of the proposed landing steps to be gazetted under the Foreshore and Sea-bed (Reclamation) Ordinance. The original “OU(LS)” zone, which was agreed by the Committee on 7.3.2008, was

about 130 m², whereas the revised zoning boundary of the “OU(LS)” zoning was about 970 m². As such, the planning scheme area and the areas of the “OU” and “O” zones had been updated as indicated on the draft TKO OZP No. S/TKO/15D.

6. Members had no question on the proposed amendments.

Deliberation Session

7. After deliberation, the Committee decided to agree that :
- (a) the proposed amendments to the approved Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/15 together with the latest design of the proposed landing steps as shown on the draft Tseung Kwan O OZP No. S/TKO/15D at Appendix I and its Notes, which was agreed by the Committee on 7.3.2008, were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
 - (b) the updated Explanatory Statement at Appendix IV was suitable for exhibition for public inspection together with the draft Tseung Kwan O OZP No. S/TKO/15D.

[The Chairperson thanked Mr. Wilfred C.H. Cheng, STP/SKIs, for his attendance to answer Members' enquires. Mr. Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Stephanie P.H. Lai and Dr. Kenneth S.S. Tang, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-FTA/84 Temporary Open Storage of Construction Materials and Equipment with Converted Containers for Ancillary Storage Uses for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Use” zone, Lot 1193A(Part) in DD 52, Man Kam To Road, Fu Tei Au
(RNTPC Paper No. A/NE-FTA/84)
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Presentation and Question Sessions

8. The Committee noted that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ben Yeung & Associates Ltd., which was the consultant for the applicant for the application. He had tendered apology for being unable to attend the meeting.

9. 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 open storage of construction materials and equipment with converted containers for ancillary storage uses for a period of 3 years
- (c) departmental comments – concerned Government departments including Environmental Protection Department and Transport Department had no objection to the application;
- (d) one public comment indicating no comment was received during the statutory publication period. The District Officer (North) advised that the the Chairman of the Sheung Shui District Rural Committee, the concerned North District Council member and village representatives of Sheung Shui Heung had been consulted and had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The application site fell within Category 1 areas under the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB-PG No. 13D). The use under application was considered in line with the planning intention of the Other Specified Uses" annotated "Port Back-up Use" ("OU(PBU)") which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. The development under application was not incompatible with the surrounding land uses which comprised lorry park, vehicle repairing workshops and open storage yards. Previous planning applications for temporary open storage of construction materials and equipment were approved by the Committee. Since the previous planning applications were revoked due to non-compliance of approval conditions, to monitor the situation of the application site, shorter compliance periods for the approval conditions were recommended.

10. Members had no question on the application.

Deliberation Session

11. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, 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 8:00 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 application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during

the planning approval period;

- (d) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2008;
- (e) in relation to (d) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (f) the submission of proposals on fire service installations and water supplies for fire fighting within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2008;
- (g) in relation to (f) above, the provision of fire service installations and water supplies for fire fighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2008;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

12. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) that shorter compliance periods were imposed in order to monitor the situation of the site and its surroundings, and the fulfilment of approval

conditions;

- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department and to observe paragraph 4.29 of Code of Practice for Minimum Fire Service Installations and Equipment when formulating the fire service installations of the buildings/structures;
- (e) to note the Chief Engineer/Development(2), Water Supplies Department (WSD) 's comments that for provision of water supply to the development under application, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KTS/261 Temporary Godown with Ancillary Office
for a Period of 3 Years in "Recreation" zone,
Lots 1623B, 1624A to I, 1624RP, 1626, 1628, 1629 and
1631 to 1637 in DD 100 and Adjoining Government Land,
Ying Pun, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/261)
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13. Ms. Stephanie P.H. Lai, STP/STN, informed members that further information on the Hose Reel record plans prepared by the applicant was tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary godown with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected;
- (d) one public comment expressing no comments was received during the statutory publication period. District Officer (North) advised that both the Residents' Representative of Ying Pun and the Chairman of Sheung Shui District Rural Committee had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The temporary godown with ancillary office was not incompatible with the surrounding uses which were predominantly occupied by workshops and open storage yards particularly to the west of the application site. 3 applications to the west of the application site near Fan Kam Road for the uses of temporary open storage of metal ware, metal workshop and detergent packaging were approved with conditions by the Committee. Two previous applications for the same use by the same applicant were approved by the Committee but they were revoked for non-compliance with approval conditions. To support the current application, the applicant had demonstrated efforts in complying with the outstanding conditions of the previous application (No. A/NE-KTS/240) by providing improvement measures to the access road and associated footpath, drainage facilities and water supplies for fire fighting and fire service installations. To address the departmental technical concerns on compliance with

approval conditions, shorter compliance periods were suggested to closely monitor the situation and fulfillment of approval conditions. The application site was provided with boundary hoarding of about 3m to 4m high and material handling operations were conducted inside the enclosed area. Although DEP did not support the application, nearby dwellings should have no direct sightline to the material handling activities. To minimize any possible environmental impacts, the applicant would be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.

14. Members had no question to the application.

Deliberation Session

15. Mr Ambrose S. Y. Cheong advised that he had no objection to the application and suggested adding an advisory clause asking applicant to note Assistant Commissioner for Transport/New Territories, Transport Department's comments as stated in para 9.1.2 (b) and (d) of the paper. He also advised that the approval condition in para 12.2(a) of the Paper should read "no heavy goods vehicles including container vehicles are allowed for transportation of goods to/from the application site during the planning approval period."

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no heavy goods vehicles including container vehicles were allowed for transportation of goods to/from the application site during the planning approval period;
- (b) the submission of improvement measures to the access road and associated footpath within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.8.2008;

- (c) in relation to (b) above, the implementation of improvement measures to the access road and associated footpath within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.11.2008;
- (d) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2008;
- (e) in relation to (d) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (f) the provision of water supply 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 9.11.2008;
- (g) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (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.

17. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods had been given so as to closely monitor the situation and compliance of approval conditions;

- (c) to liaise with the District Lands Officer/North, Lands Department regarding re-issue of the Short Term Wavier and Short Term Tenancy on the application site;
- (d) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) the Water Authority and his officers and contractors, his or their workmen with or without tools, equipment, machinery or motor vehicles should have the right of free ingress, egress and regress to and from the lot or any part thereof for the purpose of inspecting, operation, maintaining, repairing and renewing the existing 100m public water main. The said Authority and his officers and contractors, his or her workmen should have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the applicant arising out of or incidental to the exercise by him or them the right of ingress, egress and regress, and no claim should be made against him or them by the applicant in respect of any loss, damage, nuisance or disturbance;
 - (ii) the application site was located within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations; and
- (e) to note the comments from the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department;
- (f) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) the applicant should remove all unauthorized building works/structures(s) existing on the application site. An Authorized

Person (AP) should be appointed to co-ordinate and to submit demolition proposals to the Building Authority (BA) for approval, if so required under the Buildings Ordinance (BO);

- (ii) if new structures/building works were proposed for erection on the site, an AP should be appointed to submit plans to the BA for approval prior to commencement of any new building works;
 - (iii) the granting of the planning approval should not be construed as condoning to, toleration or indication of acceptance of any building works/structures on site under the BO and the allied regulations;
- (g) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts; and
- (h) to note the comments from the Assistant Commissioner for Transport/New Territories, Transport Department that no traffic review was included in the current application and a review should be made to address (i) the applicant should review and demonstrate whether the access road and the roadside footpath leading to the site had adequate capacity; (ii) the applicant should review whether the existing lay-by on the access road would be sufficient for his use; and (iii) sightline issue at the access road and at the Fan Kam Road/Access Road junction should be reviewed and the 'completed work' regarding pavement improvement and traffic signs had never been agreed/endorsed by Transport Department.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/373 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1824B in DD 76, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/373)
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Presentation and Question Sessions

18. 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) Proposed House (New Territories Exempted House – Small House)
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the NTEH development should be confined within the “V” zone as far as possible. It would set an undesirable precedent for similar applications. The cumulative adverse traffic impact of which could be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. The removal of the existing trees on site and the recreational facility in the community garden development would reduce the landscape resources and amenity value in the neighbourhood.
- (d) one public comment stating no comment and another public comment with 12 signatures raising objection were received. The objection was on the ground that the present village living environment would be disrupted by the proposed development. The developer of this cluster of small houses had misled them by false perception that the mini-soccer pitch, barbecue site and small farm at the rear of the village were available for use. Also, they were informed by the real estate agent that the situation would remain

unchanged for at least eight to ten years. District Officer (North) advised that the Indigenous Inhabitants Representative and Residents' Representative of Ma Mei Ha Leng Tsui had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The proposed Small House complied with the interim criteria for assessing planning applications for NTEH/Small House development in that both the application site and the footprint of the proposed Small House fell entirely within the village environs of Ma Mei Ha Leng Tsui Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the same village. The application site was located to the immediate northwest of the “V” zone of Ma Mei Ha Village. It was not incompatible with the surrounding rural and village environment. Although AC for T/NT, TD had reservation on traffic ground, it should be noted that a total of 5 similar applications for Small House development were previously approved in the vicinity of the application site within the same “AGR” zone. As regards CTP/UD & L's concern from landscape planning point of view, it could be addressed through the imposition of relevant approval condition. Regarding the local objection to the application, the applicant should be advised to liaise with the villagers to address their concerns.

19. Members had no question on the application.

Deliberation Session

20. A Member had some concerns on the local objection to the proposed Small House development. Ms. Stephanie P.H. Lai responded according to the commenters the real estate agent might have misled them on the future use of the application site. She indicated that the applicant could be advised to liaise with the villagers to clarify the situation. The Chairman added that an advisory clause requesting the applicant to liaise with the villagers to address their concerns was proposed under para 12.2 of the Paper.

21. 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 9.5.2012, 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;
- (b) the design and provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

22. The Committee also agreed to advise the applicant to :

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments that:
 - (i) the application site was located within Water Supplies Department (WSD) flood pumping Water Gathering Ground associated with River Indus and River Ganges pumping stations;
 - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;

- (b) 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) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works; and

- (c) liaise with the villagers to address their concerns.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-LT/379 Proposed House
(New Territories Exempted Houses – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 699D in DD 19, She Shan Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/379)
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[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/NE-LT/380 Proposed House
(New Territories Exempted Houses – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 699B in DD 19, She Shan Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/380)
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23. Noting that the two applications were similar in nature and the application sites were located in close proximity to of each other, the Committee agreed to considered the two applications together.

Presentation and Question Sessions

24. 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) proposed House (New Territories Exempted Houses – Small House) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications since active agricultural activities were found in the vicinity of the site;
- (d) no public comment was received during the statutory publication period. District Officer (Tai Po) advised that the Indigenous Inhabitant Representatives and the Resident Representative of She Shan Village had been consulted and no adverse comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for reasons as detailed in paragraph 11 of the Papers. The proposed NTEH/Small House development generally complied with the assessment criteria for NTEH/Small House development in that the application site was entirely within the 'VE' of She Shan Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of She Shan Village. While the application site fell within water gathering ground, the proposed Small House was able to be connected to the planned sewerage system. Although the DAFC did not support the application from agricultural point of view, the application site was located entirely within the 'VE' of She Shan Village. No local objection was received.

25. Members had no question on the applications.

Deliberation Session

26. After deliberation, the Committee decided to approve the applications No. A/NE-LT/379 and A/NE-LT/380 respectively, on the terms of the applications as submitted

to the Town Planning Board (TPB). Each of the permissions should be valid until 9.5.2012, and after the said date, each of the permission should cease to have effect unless before the said date, the respective development permitted was commenced or the permission was renewed.

27. Application No. A/NE-LT/379 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;
- (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; and
- (e) an archaeological survey was required to be conducted prior to any construction works on site to the satisfaction of the Antiquities and Monuments Office of Leisure and Cultural Services Department or of the TPB.

28. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) that the site was in an area where no public sewerage connection was

available;

- (d) that the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within “V” zone;
- (e) that 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; and
- (f) 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.

29. Application No. A/NE-LT/380 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;
- (d) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) an archaeological survey was required to be conducted prior to any construction works on site to the satisfaction of the Antiquities and

Monuments Office of Leisure and Cultural Services Department or of the TPB.

30. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) that the site was in an area where no public sewerage connection was available;
- (d) that the proposed septic tank (presumed to be the future sewerage connection point) should be constructed within “Village Type Development” zone;
- (e) that public sewers would be laid in the vicinity of Lot 699C in D.D. 19 under the current project scheme. The applicant could extend his sewer passing through other private lots to the nearest connection points of the planned sewerage system. The applicant should be vigilant on the latest situation of the project works, for which the Village Representatives would be kept informed by Drainage Services Department;
- (f) that 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; and
- (g) 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

- (b) proposed House (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) advises that the proposed development is not in line with the planning intention of the “GB” zone. The sites were in the vicinity of a “CA” zone. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) had reservations on the application since the mature trees in the wooded area to the west of the application site were susceptible to felling arising from village expansion. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as the NTEH development should be confined within the “V” zone as far as possible. It would set an undesirable precedent for similar applications in the future;
- (d) two public comments, from WWF (WWF) and Kadoorie Farm & Botanic Garden Corporation (KFBG), both objecting to the two applications, were received. They objected to the Small House developments since the application was not in line with the planning intention of the “GB” zone. The cumulative impact of approving similar applications in the area would adversely affect the landscape value of the “GB” zone and erode its buffer function between the residential area and the “CA” zone at Shuen Wan Marsh. The District Officer (Tai Po) advised that the Indigenous Inhabitants Representative and the Resident Representative of Wong Yue Tan had been consulted and they objected to the application as the applicant was not of their same “Heung”; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for reasons as detailed in paragraph 12 of the Papers. The proposed NTEH (Small House) complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’. There was a general shortage of land in meeting the

demand for Small House development in the “V” zone of the village. In addition, similar planning applications within the same “GB” zone had been approved by the Committee. The proposed Small Houses were not incompatible with the surrounding rural environment and were not envisaged to impose adverse impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Regarding the concerns of the DAFC and CTP/UD&L, PlanD on the proximity to the “CA” zone as well as the further expansion of the village use westward, it should be noted that similar development within the “GB” zone would have to be submitted to the Board for consideration, and so far, applications falling outside the ‘VE’ had not been approved. As for the local villagers’ objection, the District Lands Officer/Tai Po, Lands D had confirmed that both the Pan Chung Village and Wong Yue Tan Village were within Tai Po “Heung”.

34. A Member asked about the location of the previous approved planning application, Dr Kenneth Tang referred members to Plan A-1 which showed the location of previous applications.

Deliberation Session

35. Mr Ambrose S. Y. Cheong stated that he had reservation on the applications as the approval would set an undesirable precedent. The Chairperson noted his comment and remarked that the application was in line with the interim criteria for assessing planning applications for Small House development in the New Territories.

36. After deliberation, the Committee decided to approve the applications No. A/NE-TK/250 and A/NE-TK/251 respectively, on the terms of the application as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 9.5.2012, and after the said date, each of the permission should cease to have effect unless before the said date, the respective developments permitted was commenced or the permission was renewed. Each of the permissions 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 provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

37. The Committee also agreed to advise the applicants of both applications :

- (a) that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (b) that the applicant might need to extend his inside services to the nearest Government water mains for connection, and to resolve the land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (c) that the applicant should consult Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Prof. David Dudgeon returned to join the meeting at this point.]

Agenda Item 5

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/328-1 Extension of Time for Commencement of the Approved
Petrol Filling Station under Application No. A/NE-LYT/328
for a Period of 2 Years until 19.5.2010 (i.e. an Additional 2 Years)
in “Residential (Group C)” zone, Lot 1030B1RP(Part) in DD 83,
Sha Tau Kok Road near Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/328-1)

Presentation and Question Sessions

40. 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) extension of time (EOT) for commencement of the approved petrol filling station under Application No. A/NE-LYT/328 for a period of 2 years until 19.5.2010 (i.e. an additional 2 years);
- (c) departmental comments – no objection or no adverse comment from concerned Government department was received;
- (d) District Officer (North) consulted the locals and advised that a North District Council member and a Residents’ Representative of Lung Yeuk Tau objected to the application as they considered that the proposed petrol filling station (PFS) might pollute the nearby streamcourse and there was an existing PFS in the vicinity. An Indigenous Inhabitant Representative of Lung Yeuk Tau had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessment in paragraph 7 of the Paper. The application complied with the criteria of Town Planning Board Guidelines (No. 35A) in that there was no material change in the land use zoning and development restrictions of the application site since the granting of the planning permission. The applicant had demonstrated effort in implementing the approval development and the extension of time would not result in any adverse planning implication. Regarding the local objection, Government departments consulted had no objection to/comments on the extension of time under application. Approval conditions on the provision of appropriate environmental mitigation measures and drainage facilities to resolve the possible pollution concerns had been imposed.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application No. A/NE-LYT/328-1 for extending the time for commencement of the approved development for 2 years until 19.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of a site layout plan and a landscape plan to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Traffic Impact Assessment and the provision of vehicular ingress/egress and serving/waiting spaces within the application site identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design and provision of appropriate environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (d) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

43. The Committee also agreed to advise the applicant :

- (a) that 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;
- (b) to note that District Lands Officer/North's comments that application for Short Term Waiver should be made related to the underground oil tank and the vehicular ingress/egress of the proposed development; and
- (c) that the existing streamcourse to the east of the site should not be interfered by the proposed development.

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

Tuen Mun and Yuen Long District

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

Agenda Item 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TM-LTYT/168 Proposed House
(New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lot 836G in DD 130, Lam Tei San Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-LTYT/168)
-

Presentation and Question Sessions

44. 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) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – no objection or no adverse comment from concerned Government department was received;
- (d) one public comment objecting to the application without giving grounds of objection was received during the statutory publication period and District Officer (Tuen Mun) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 13 of the Paper. Previous planning approval for the development of a NTEH at the site had been granted with conditions to the same applicant in 1998 on sympathetic consideration that the applicant was affected by the resiting of village resulting from land resumption by the Government. Extension of validity of planning permission was granted until 30.10.2007. Since the current application was basically the same as that proposed in the previous application, sympathetic consideration might be given having regard to the

previous planning approvals granted by the Committee. There was a general shortage of land in meeting the demand for Small House development in the “V” zone. No adverse comments on the application was received from concerned government departments.

45. Members had no question on the application.

Deliberation Session

46. 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 9.5.2012, 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.

47. The Committee also agreed to advise the applicant to :

- (a) note the Director of Fire Services’ comments that emergency vehicular access, fire hydrant and fire service installations would be required in accordance with the ‘A Guide to Fire Safety Requirements of New Territories Exempted Houses’;
- (b) note the Antiquities and Monuments Office, Leisure and Cultural Services Department ’s comments that as the site was in close vicinity to the Fu Tei Ha Archaeological Site and was likely to be of archaeological potential, an archaeological investigation was required. If the results demonstrated evidence of archaeological significance in the affected area, appropriate mitigation measures should be designed and implemented prior to the

commencement of construction work.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/TM-SKW/57 Temporary Barbecue Area for a Period of 3 Years
in “Village Type Development” zone,
Lots 263B(Part) and 268(Part) in DD 385,
Tai Lam Chung Tsuen, Tuen Mun
(RNTPC Paper No. A/TM-SKW/57)
-

Presentation and Question Sessions

48. 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 barbecue area for a period of 3 years;
- (c) departmental comments – no objection or no adverse comment from concerned Government department was received;
- (d) four public comments were received during the statutory publication period. The commenters objected to the application mainly on the grounds that the applicant was using their land without their consent and the actual operation boundary of the development was much larger than the application site boundary. District Officer (Tuen Mun) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The granting of a temporary planning permission would not frustrate the long-term planning intention of the area on the OZP. In view of the small scale and temporary nature, it was unlikely to have significant adverse impact on the area. Government departments consulted had no adverse

comments on the application. In order to monitor the fulfilment of the approval conditions, shorter compliance periods were recommended. Regarding the public comments on land issue, the applicant would be advised to resolve the land issue relating to the development with the concerned land owners.

49. In response to the Chairman's enquiry, Mr Wilson W.S. Chan replied that the area marked as staff rest area on Plan A-2 was outside the application site but the use appeared to be related to the applied use on the application site. He said that the use was not an existing use.

Deliberation Session

50. A Member noted that it was pointed out by a commenter that the actual operation area of the applied use was larger than the application site. Another Member considered it was necessary for the applicant to resolve the land issue matter with the concerned owners. The Chairperson remarked that the planning permission if granted, should be confined to the application site. If the proposed use extended to any area outside the application site, it would be subject to enforcement action carried out by the Government. The Planning Department would take follow-up action. The Secretary said that an advisory clause should be added to remind the applicant that the current approval, if granted, would not cover the area to its southeast as it was outside the application site.

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2008;

- (c) in relation to (b) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (d) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB 9.8.2008;
- (e) in relation to (d) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB 9.11.2008;
- (f) the provision of fire services installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2008;
- (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;
- (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; and
- (i) 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.

52. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) that shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site as well as the adjacent lots located to the southeast of the application site;
- (d) to note that planning approval for temporary barbecue use had not been given outside the application site;
- (e) to note the District Lands Officer/Tuen Mun, Lands Department's comments to remove the temporary structures on Lots No. 264 RP (Portion), 267 S.A RP, 267 S.A ss.1 (Portion), 264 S.A (Portion), 267 S.B (Portion), 267 S.C (Portion), 270 (Portion), 271 (Portion), 272 (Portion) and 273 (Portion) or to submit an application for Short Term Waiver for erection of temporary structures for the lots concerned. The applicant was also required to set back the occupation boundary and cease the unauthorized occupation of the Government land near Tai Lam Chung Road;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should be responsible for his own access arrangement. If any run-in/out was approved by Transport Department, the applicant should construct it according to HyD's standard drawing H113 and H114, or H5115 and H5116, to match the existing pavement condition. An interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out;
- (g) to note the Director of Environmental Protection's comments to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department and comply with all relevant pollution control ordinances including the Water Pollution Control Ordinance;

- (h) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and a safety distance of 9m between fixed barbecue pit/stove for public use within the premises and the nearest residential properties should be kept;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the site was located within the dam break flood plain of Waterfall Dam of Tai Lam Chung Reservoir, the applicant was advised to carry out an assessment of the impacts of dam break on the proposed development and make his/her own provisions;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures with the site. The granting of planning approval should not be construed as condoning to any unauthorized structures on site under the Buildings Ordinance and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found; and
- (k) to note the Director of Food and Environmental Hygiene's comments that the barbecue activity should be covered by a relevant food business licence issued by his department if food business was operated thereat.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/537 Proposed Public Utility Installation
(Telecommunications Radio Base Station)
in "Agriculture" zone,
Government Land at Ngau Hom Shek, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/537)
-

53. 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) proposed public utility installation (telecommunications radio base station);
- (c) departmental comments – no objection or no adverse comment from concerned Government department was received;
- (d) one public comment from a Yuen Long District Council Member was received during the statutory publication period. The commenter supported the application on the ground that the proposed development would facilitate telecommunications reception by the public. No comment from the local was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment in paragraph 11 of the Paper. The proposed development was located in close proximity to its intended catchment at the Ngau Hom Shek Section of the Kong Sha Western Highway. As the proposed development was located in a former works area with no existing vegetation, it was not incompatible with the surrounding uses. The proposed development was a shared facility among all mobile telecommunications operators in Hong Kong and co-ordinated by the OFTA. As such, approval of the present application would not result in proliferation of similar uses in the area. It was small in scale and would not cause any significant adverse visual or landscape impact on the surrounding areas. There was no adverse departmental comment nor public comment against the proposed development.

54. The Chairman asked if the base station could be shifted to a better location to avoid taking up the middle part of the platform rendering the platform difficult to develop.

Mr Anthony C. Y. Lee responded that the application site was appropriate after taking into account the antennae coverage requirement, platform usability and fung shui consideration.

Deliberation Session

55. 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 9.5.2012, 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 a condition that the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

56. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Tenancy in respect of the site;
- (b) to note the comments of the Assistant Commissioner for Transport/New Territories 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 the relevant lands and maintenance authorities should be consulted accordingly; and
- (c) to note the comments of the Director of Health that any location in the vicinity of the proposed radio base station that was accessible to the workers and the public should meet the relevant sets of limitation on electromagnetic fields for workers and public respectively in the 'Code of Practice for the Protection of Workers and Members of the Public against Non-Ionising Radiation Hazards from Radio Transmitting Equipment' issued by the Office of the Telecommunications Authority, and ensure that the non-ionising radiation level of any location in the vicinity of the proposed mobile radio base station accessible to the workers and the public

would meet the relevant exposure limits applicable to workers and public respectively, as recommended by the International Commission on Non-Ionising Radiation Protection, taking into consideration the combined effects of transmissions from the same site or sites in the vicinity.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/539 Temporary Public Vehicle Park (Private Cars, Goods Vehicles, Container Vehicles and Trailers) for a Period of 3 Years in “Undetermined” zone, Lots 1824ARP(Part), 1824BRP(Part), 1824C(Part), 1827B(Part), 1827B1, 1828(Part), 1844(Part), 1845(Part), 1846(Part), 1848 and 1849(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/539)
-

Presentation and Question Sessions

57. 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 public vehicle park (private cars, goods vehicles, container vehicles and trailers) for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as the operation involved container vehicles and heavy goods vehicles and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment in paragraph 12 of the Paper. The development was generally in line with the TPB Guideline No. 13D. The public vehicle park was not incompatible with the surrounding land uses in the subject “Undetermined” (“U”) zone which were predominantly occupied by open storage yards. The applied use was also similar in nature with other temporary open storage uses approved by the Committee in the vicinity within the same “U” zone. The current application was an amendment to the previous application No. A/YL-HT/507 approved by the Committee from open storage to public parking of private cars, goods vehicles, container vehicles and trailers. The applicant had also demonstrated genuine efforts in complying with the approval conditions of the previous planning permission. However, to address DEP’s concern and to mitigate any potential environmental impacts, approval conditions, including no operation at night time and no operation on Sundays and public holidays, and prohibition of vehicle dismantling, repairing and workshop activities on site, had been recommended. There was no local objection against the application.

58. Members had no question on the application.

Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle dismantling, repairing or workshop activities should be permitted on the application site during the planning approval period;
- (b) no operation between 5:00 p.m. and 9:00 a.m. on Mondays to Fridays, and before 9:00 a.m. or after 12:00 noon on Saturdays, as proposed by the applicant, should be carried out at the application site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the setting back of the eastern boundary of the site to avoid encroachment upon the proposed resumption area of the project of “Yuen Long and Kam Tin Sewerage and Sewage Disposal” of PWP Item No. 235DS as when required to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the implementation of the accepted drainage proposal under application No. A/YL-HT/477 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.11.2008;
- (f) the implementation of the accepted tree preservation and landscape proposals as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (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 9.11.2008;
- (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 9.2.2009;
- (i) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

60. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should be obtained before commencing the public vehicle park on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) to note the District Lands Officer/Yuen Long, Lands Department’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 and Short Term Tenancy to regularize the structures on site and the unauthorized occupation of Government land. Otherwise, his office, on review of the situation, would resume or take new action as appropriate according to the established direct lease enforcement and land control programme;
- (e) to 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 Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” commenced in December 2007, and that he should not be entitled for any compensation thereof;

- (f) to note the comments of the Assistant Commissioner for Transport/New Territories 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 the relevant lands and maintenance authorities should be consulted accordingly; and
- (g) 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, and to approach his Dangerous Goods Division for advice on licensing of the premises for workshop purposes.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/540 Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/390 for a Period of 3 Years until 13.5.2011 in "Open Storage" zone, Lots 1141RP(Part), 1142, 1143RP, 1144(Part), 1145(Part), 1146(Part), 1152(Part), 1153(Part), 1154RP(Part), 1155(Part), 1156, 1157(Part), 1158(Part), 1161(Part), 1162(Part), 1163(Part), 1164(Part), 1165, 1166, 1168(Part), 1169RP(Part), 1181(Part), 1188RP(Part), 1189RP(Part), 1190(Part), 1191(Part), 1192(Part), 1193(Part), 1194(Part), 1195(Part), 1196(Part) and Adjoining Government Land in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/540)
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Presentation and Question Sessions

61. 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 with ancillary office under Application No. A/YL-HT/390 for a period of 3 years until 13.5.2011;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access roads (San Wai Road and Tin Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated based on the assessment in paragraph 12 of the Paper. Majority of the site was zoned “Open Storage”(“OS”) and the applied use was not incompatible with the surrounding land uses. Part of the site was zoned “REC”. It was considered that approval of the renewal application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “REC” zone. To address DEP’s concern and to mitigate any potential environmental impacts, approval conditions, including no operation at night time and on Sundays and public holidays, and restrictions on stacking of materials on site, had been recommended. The development complied with the TPB Guidelines No. 13D as no local objection was received and other Government departments concerned had no adverse comment.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, 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 from 11:00p.m. to 7:00a.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) the stacking height of containers stored on the site should not exceed 7 units 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 drainage facilities implemented on the site under application No. A/YL-HT/390 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/390 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.11.2008;
- (g) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (h) in relation to (g) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.2.2009;
- (i) 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 9.11.2008;

- (j) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

64. The Committee also agreed to advise the applicant to:

- (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, Lands Department's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, to clarify the discrepancy between the existing occupation area and that under application, and to apply for Short Term Waiver and Short Term Tenancy to regularize the unauthorized structures and occupation of Government land on site;
- (c) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize the potential environmental impacts on the adjacent area; and

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories 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 the relevant lands and maintenance authorities should be consulted accordingly.

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-ST/347 Proposed Temporary Public Vehicle Park
(excluding Container Vehicle) for a Period of 3 Years
in “Green Belt” zone,
Lots 378(Part), 385(Part), 389RP(Part)
and 390(Part) in DD 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/347)
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65. The Committee noted that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was the consultant for the applicant of the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

66. The Committee noted that the applicant requested on 8.4.2008 for a further deferment of the consideration of the application to allow time for him to submit a revised Drainage Impact Assessment to address departmental comments.

Deliberation Session

67. 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 on 20.6.2008 as proposed by the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a period of six weeks for the preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-KTN/294 Proposed House
in “Residential (Group D)” zone,
Lot 627 in DD 110, Shek Kong San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/294)
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Presentation and Question Sessions

68. 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) proposed house;
- (c) departmental comments – Director of Environmental Protection (DEP) considered that the proposed development was undesirable. The site was located in the vicinity of some existing open storage yards of private vehicles, vehicle parts and vehicle repairing workshops such that industrial/residential interface problem would be a concern. Furthermore, the subject site was setback from Kam Tin Road by about 50m and would still be subject to road traffic noise impact;
- (d) one public comment was received during the statutory publication period. The commenter was concerned about the future slope strengthening works for a steep slope located partly at the site and partly at the commenter’s lots (Lots 624 and 787 in D.D. 110) and the environmental threat posed by the large amount of debris / rubbish found at the government land between the site and the commenter’s lot. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The

proposed 2-storey house was in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was intended for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. The proposed development was located within an existing village and was considered compatible with the surrounding land uses. Regarding DEP’s concern on the industrial/residential interface problem, the industrial uses were mainly located along Kam Tin Road, while all the residential use/structures were clustered to the further north from Kam Tin Road around the application site. Besides, the existing industrial uses were temporary in nature and would be phased out when residential development under the “R(D)” zone took place. As for DEP’s concern on the potential traffic noise impact generated from Kam Tin Road, the proposed development was located about 50m away from Kam Tin Road. In addition, a boundary wall with tall trees, well-gasketed window and air conditioning would be provided in order to alleviate the traffic noise according to the applicant. With respect to the public concern on the steep slope nearby and the large amount of debris/rubbish found, the applicant was advised to consult Geotechnical Engineering Office, Civil Engineering and Development Department on the slope strengthening works for the proposed development and to liaise with the neighboring owners on the clearance of debris/rubbish.

69. Members had no question on the application.

Deliberation Session

70. 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 9.5.2012, 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;

- (b) the design and provision of drainage facilities for the development to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of an 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.

71. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Yuen Long, Lands Department for a land exchange for the proposed development. However, there was no guarantee that the land exchange application would be approved;
- (b) that the approval of the application did not imply that the gross floor area exemption and/or bonus plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on site should be removed and formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation at building plan submission stage;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that an abandoned meander in the vicinity of the site should be retained and good site practice and appropriate pollution control measures should be adopted to minimize any environmental impacts and nuisances caused by the proposed development;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories that the land status of the proposed access road between the site from Kam Tin 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;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that a drainage proposal should be submitted to demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the site would be intercepted and disposed via proper discharge point;
- (h) to note the Director-General of Civil Aviation 's comments that the site might be affected by aircraft noise from the Shek Kong aerodrome and the Hong Kong International Airport. The aircraft noise might be particularly audible when the background noise was low;
- (i) to note the Secretary for Security's comments that the proposed development should comply with the air height restrictions of the Shek Kong Airfield and would not cause obstruction to the access road to the Shek Kong Barracks, particularly during construction period;
- (j) to note the Director of Fire Services' comment that detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans. Besides, an application for exemption of the emergency vehicular access (EVA) provision from the Building (Planning) Regulation 41D would be required if the EVA could not be provided to serve the development, and enhanced fire safety measures might be

required accordingly;

- (k) to note the Director of Electrical and Mechanical Services' comments that prior to establishing any structure within the site, the applicant, his/her contractors and/or site workers should consult CLP Power Hong Kong Limited and liaise with them to divert the existing 11kV and low voltage overhead lines within the site boundary and/or in the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant, his/her contractors and/or site workers prior to and in the course of any works in the vicinity of electricity supply lines;
- (l) to consult the Head of Geotechnical Engineering Office, Civil Engineering and Development Department regarding the slope strengthening works for the proposed development; and
- (m) to liaise with the owner of lots 624 and 787 in D.D. 110 on the clearance of debris / rubbish on the adjoining land.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (viii) A/YL-KTS/422 Temporary Office for a Period of 3 Years
in "Agriculture" and "Village Type Development" zones,
Lot 1028B(Part) in DD 113, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/422)
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72. The Committee noted that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the applicant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

73. 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 office for a period of 3 years;
- (c) departmental comments – Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application since there was large scale well-operated farmland for vegetables and there was an orchard of fruit plants nearby. The site could be rehabilitated for agricultural purpose such as indoor cultivation. Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had some reservations on the application the proposed office use was not compatible with the existing rural landscape character. The proposal of the subject application might set precedent for similar applications, the effect of which would degrade the landscape quality in the area;
- (d) one public comment from a member of the Yuen Long District Council was received during the statutory publication period. The commenter considered that the site should be reserved for agricultural use as the road condition was not good. District Officer (Yuen Long) had received a written representation which was the same as the public comment received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose. No strong justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. DAFC was also not in favour of the application from the agricultural point of view as the site could be rehabilitated for agricultural purpose. The development was not

compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land and scattered residential structures. There was reservation on the application from the landscape planning point of view. There was insufficient information to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas. 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 application would result in general degradation of the rural environment of the area. One local comment on the suspected unauthorized land use and traffic impact of the development had been received.

74. Members had no question on the application.

Deliberation Session

75. 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 development was not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land and scattered residential structures;
- (c) there was insufficient information to demonstrate that the proposed development would not generate adverse 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.

[Ms Maggie Chan and Ms Anna Kwong left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-TYST/386 Renewal of Planning Approval for Temporary “Open Storage of Scrap Metal for Recycling with Ancillary Open-Air Workshop” Use under Application No. A/YL-TYST/317 for a Period of 3 Years, Lots 329A1(Part), 329A2, 329A3(Part), 329RP and 330 to 333 in DD 119 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/386)
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Presentation and Question Sessions

76. 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) renewal of planning approval for temporary “Open Storage of Scrap Metal for Recycling with Ancillary Open-Air Workshop” use under Application No. A/YL-TYST/317 for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers along the access track leading to the site, and environmental nuisance was expected.
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Yuen

Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment in paragraph 12 of the Paper. A major portion (about 79%) of the site fell within Category 1 areas under TPB PG-No. 13D where favourable consideration would normally be given to the application. About 21% of the site fell within Category 4 areas where application would normally be rejected except under exceptional circumstances. The site was the subject of 4 previous approvals, and approval conditions of the last 2 permissions under Applications No. A/YL-TYST/205 and 317 were complied with. While the site straddled the “U” and “V” zones, there was no Small House application received on the site. The current temporary open storage use on that part of the “V” zone, which forms an integral part of the whole open storage yard under application might deserve sympathetic consideration of the Committee. To address DEP's concern, conditions to restrict operation hours on site would be imposed. Besides, there was no local objection against the application.

77. Members had no question on the application.

[Ms Maggie Chan and Ms Anna Kwong returned to join the meeting at this point.]

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, 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 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday was allowed during the planning approval period;

- (c) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) 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 9.11.2008;
- (f) 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;
- (g) if the above planning condition (e) 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
- (h) 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.

79. The Committee also agreed to advise the applicant to :

- (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, Lands Department's comments that his office reserved the right to take control action against the unauthorised occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver and Short Term Tenancy

(STT) to regularise the irregularities on site. Should no 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 land control programme. Moreover, the applicant should clarify why the existing occupation area was found to be different from that under application;

- (c) to note the comments of the Assistant Commissioner for Transport/New Territories 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 the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the local access track between the site and Shan Ha Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (f) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the applicant should be responsible for the construction, operation and maintenance of the any such water mains laid within private lots in connection with the supply of water to the subject lots to WSD's standards and should resolve any land matter associated with the laying of water mains in private lots; and
- (g) note DEMS' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines, high voltage (11kV) underground cables and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his

contractors should liaise with CLPP to divert the high voltage (11kV) overhead lines as well as low voltage underground cables away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-TYST/387 Temporary Open Storage of Used Computers and Accessories for a Period of 3 Years in "Undetermined" zone, Lots 744A(Part), 744B(Part) and 751(Part) in DD 117 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/387)
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80. The Committee noted that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the applicant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

81. 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 used computers and accessories for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application since there were a number of sensitive uses, such as village houses and an elderly home, in the vicinity. The

loading/unloading process and the plastic-breaking process might generate environmental nuisance to the nearby sensitive receivers, and the proposed use was not environmentally desirable in such an environmental setting.

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer(Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The open storage of used computers and accessories, did not comply with Town Planning Board Guidelines No. 13D in that it was considered not compatible with the nearby residential structures located to its north and in the vicinity and DEP had adverse comments on the application on environmental nuisance grounds. There were a number of sensitive receivers located to the north and in the vicinity of the site. The dismantling/breaking and workshop activities would pose noise nuisance to the nearby sensitive receivers. Furthermore, the old computer parts might contain chemicals which might pollute the land and nearby stream course if not properly handled. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

82. Members had no question on the application.

Deliberation Session

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

- (a) the development did not comply with the Town Planning Board Guidelines No. 13D on 'Application for Open Storage and Port Back-up Uses' in that it was considered incompatible with the nearby residential structures located to its north and in the vicinity and there were adverse departmental

comments on the application; and

- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (xi) A/YL-TYST/389 Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” zone, Lot 1486RP in DD 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/389)
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Presentation and Question Sessions

84. 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) proposed temporary warehouse for storage of construction materials for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the north and in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary warehouse use could be tolerated based on the assessment in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “U” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with the surrounding areas which were mixed with open storage yards, warehouses, workshops and residential structures. Since there was no known programme for permanent development, the applied use on a temporary basis for 3 years would not frustrate the long-term use of the area. Regarding DEP’s concern, the storage of construction materials in an enclosed warehouse would not generate significant environmental impact on the surrounding areas. To address possible concern on the environmental impact and to prohibit open storage use on the open area of the site, approval conditions restricting the operation hours and type of vehicles used, prohibiting open storage, repairing, dismantling, cleansing and workshop activities and requiring the maintenance of the existing boundary fence were imposed.

85. Members had no questions on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2011, 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 application site during the planning approval period;
- (b) no operation on Sundays or public holiday was allowed during the planning approval period;
- (c) no open storage, repairing, dismantling, cleansing and workshop activities should be carried out on the application 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 application site at any time during the planning approval period;
- (e) the existing boundary fence on the application site should be maintained at any time 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 9.11.2008;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.2.2009;
- (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 9.11.2008;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.2.2009;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2008;
- (k) in relation to (j) 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 9.2.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice;

- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

87. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement/control action against the erection of unauthorised structures, including converted containers, 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 Government land without particular maintenance works to be carried out thereon;
- (d) to note the comments of the Assistant Commissioner for Transport/New

Territories 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 the relevant lands and maintenance authorities should be consulted accordingly;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the short local access between the site and Kung Um Road beyond back of footpath;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (g) to note that the submitted landscape proposal was considered not acceptable as the height of the proposed trees did not meet the minimum requirement of 2.75m;
- (h) to note the Chief Engineer/Mainland North and Chief Engineer/Drainage Projects, Drainage Services Department's comments that the submitted drainage proposal did not show the necessary drainage information. The discharge point from the roof to the surface channel should be shown. The connection details of discharge point to the existing public drainage facilities should be given. The applicant should be reminded to provide his own stormwater drainage system to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The applicant should ensure that the development would neither obstruct overland flow nor adversely affect existing watercourse, village drain, ditch or the adjacent area;
- (i) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be

required. The applicant should submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for compliance with approval condition (j) above, the applicant should make reference to the requirements as stipulated in paragraph 4.14 'Commercial buildings – low rise' and paragraph 4.29 'Industrial/godown buildings – low rise' of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment. The applicant should also note that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs to be installed should be clearly marked on the building plans;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage. Detailed consideration would be made at the building plan submission stage. The applicant's attention was also drawn to the provision of emergency vehicular access to all buildings on site under Building (Planning) Regulation 41D; and
- (k) to 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. 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.

Agenda Item 7

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/440-8 Extension of Time for Compliance with Approval Condition –
Temporary Warehouse of Paper Rolls for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 3305RP(Part), 3306(Part), 3307RP, 3310ARP(Part), 3310B(Part),
3311RP, 3312A(Part), 3312B, 3313(Part) and 3314(Part) in DD 129,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/440-8)

88. The Mr. Anthony C.Y. Lee, reported that an extension of time (EOT) for compliance with planning conditions (d) and (e) under application No. A/YL-HT/440 was received on 21.4.2008. The application was approved by the Board for temporary warehouse of paper rolls for a period of 3 years up to 28.4.2009 subject to conditions. Approval conditions (d) and (e) were related to submission of fire service installation proposal within 3 months from the date of planning approval (extended six times until 28.4.2008) and implementation of fire service installation within 6 months from the date of planning approval (extended six times until 28.4.2008). As the EOT application was submitted on 21.4.2008, a few days before the deadline for compliance with condition (d) and (e) by 28.4.2008, there was insufficient time to process the EOT. According to Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Consideration of Temporary Use on Development, an EOT application submitted less than 6 weeks before the expiry of the specified time limit might not be processed. In fact, the time limit for compliance with conditions (d) and (e) had already expired at the time of consideration by the Committee and the planning permission was revoked on the same day. In this regard, the application could not be considered as the planning permission no longer existed at the time of consideration by the Committee.

Deliberation Session

89. After deliberation, the Committee agreed that the application for extension of time should not be considered for the reason that the planning permission for the subject

application had been revoked on 28.4.2008 and ceased to have effect on the same date. The Committee could no longer consider the s.16A application as the planning permission no longer existed at the time of consideration.

[The Chairperson thanked Mr. Wilson W.S. Chan, Mr. Anthony C.Y. Lee and Miss Paulina Y. K. L. Kwan, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Chan and Lee and Miss Kwan left the meeting at this point.]

Agenda Item 8

Any Other Business

90. There being no other business, the meeting was closed at 4:20 p.m..