

TOWN PLANNING BOARD

**Minutes of 391st Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 13.3.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. Y.M. Lee

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

Assistant Director/New Territories,
Lands Department
Mr. Simon K.M. Yu

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor David Dudgeon

Dr. C.N. Ng

Ms. Maggie Chan

Mr. Y.K. Cheng

Dr. James C. W. Lau

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

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 390th RNTPC Meeting held on 27.2.2009

[Open Meeting]

1. The draft minutes of the 390th RNTPC meeting held on 27.2.2009 were confirmed subject to the deletion of the word 'since' from the penultimate sentence of paragraph 11 of page 8 of the draft minutes.

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of Outline Zoning Plan

2. The Secretary reported that on 10.3.2009, the Chief Executive in Council approved the draft South West Kowloon Outline Zoning Plan (OZP) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP would be notified in the Gazette on 20.3.2009.

Sai Kung and Islands District

[Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Items 3 to 6

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/24 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 29A in D.D. 216, Nam A Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/24)

A/SK-TMT/25 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 29B in D.D. 216, Nam A Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/25)

A/SK-TMT/26 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 15 (Part) and Adjoining Government Land in D.D. 216,
Nam A Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/26)

A/SK-TMT/27 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 11B in D.D. 216, Nam A Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/27)

3. The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the four planning applications. Professor David Dudgeon had declared interests on these applications as he was a member of the Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for being unable to attend the meeting.

4. Noting that Applications No. A/SK-TMT/24 to 27 were similar in nature and

the application sites were close to each other within the same zone, the Committee agreed to consider the four applications together.

Presentation and Question Sessions

5. Ms. Ann O.Y. Wong, STP/SKIs, informed Members that replacement pages to include the advisory clauses to each of the applications were tabled at the meeting for Members' reference. She then presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) proposed four houses (New Territories Exempted House - Small House) one for each application Nos. A/SK-TMT/24 to 27;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the surrounding environment was in general well wooded. The proposed developments would affect the integrity of the wooded area. Extensive felling of trees in area of Nam A was noted. Approval of the applications would set an undesirable precedent for similar applications. The Chief Engineering/Development (2), Water Supplies Department (CE/D(2), WSD) and the Director of Environmental Protection (DEP) objected to the applications as the sites were located within the upper indirect water gathering ground (WGG) where there was neither stormwater nor public sewage connection in the vicinity. The Assistant Commissioner for Transport, Transport Department (AC for T/NT, TD) had reservation on the applications as the only existing external road link in the subject area was Sai Sha Road which was a single 2-lane carriageway with limited capacity. There was currently no improvement proposal for this stretch of road. The proposed Small House developments at the subject "Green Belt" ("GB"), if approved,

would set an undesirable precedent for similar applications in the vicinity and the cumulative traffic impact of such similar applications could be substantial and would severely overload the limited road network. The Chief Town Planning/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications since the Nam A village was a rural village settlement and the “GB” zone was a buffer between the village development and the “Conservation Area”. There was evidence that existing native trees were recently felled presumably to make way for development. The proposed Small House developments were haphazard, causing adverse landscape impact to the green belt. The proposals would affect the quality of the natural landscape and set an undesirable precedents resulting in fragmented landscape within the “GB” zone;

- (d) during the statutory publication period, a total of 21, 18, 17 and 18 public comments for Application Nos. A/SK-TMT/24, 25, 26 and 27 were received respectively. All of them objected to the planning applications. Kadoorie Farm & Botanic Garden Corporation and WWF objected to the applications on the grounds that the proposed developments were not in line with the planning intention of “GB” zone. There would be a need to widen the existing narrow and sub-standard footpath for the construction of Small Houses which would further encroach onto the “GB” zone and had adverse landscape and ecological impacts. Approval of the applications would set poor precedents as there were large-scale tree-felling activities within the application sites and their vicinity. Such massive tree felling and woodland clearance to degrade the environment to facilitate an approval from the Board should not be supported. Friends of Sai Kung objected to the applications as the proposed developments were not in line with the “GB” zone and would set precedents leading to increase development in an area of limited infrastructure and approval of these applications would give green light to further unlawful destruction of the local

environment. Legislative Councillor, Hon. Chan Tanya, objected to the applications as unauthorized massive tree felling activities prior to obtaining planning approval from the Town Planning Board should be condemned. Approval of the applications would set undesirable precedents and further damage to the green belts of Hong Kong. Some commenters considered that the existing road was narrow and winding without passing bays. The increase of vehicular flow would cause air pollution, noise and traffic nuisance. Some commenters stated that the proposed applications might pose a high risk of contamination to the water source and the cumulative effect of development would lead to adverse impact on the natural landscape, environment, traffic and infrastructural provision in the areas; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment made in paragraph 12 of the Papers. Although the land available in the “Village Type Development” (“V”) zone could not fully meet the future Small House demand, the proposed developments did not comply with the interim criteria for consideration of application for NTEH/Small House development in that the proposed NTEH/Small Houses fell within WGG and there was neither stormwater nor public sewerage connections available. There was no information in the submissions to demonstrate that the proposed Small House developments within the WGG would not pose adverse impact on the water quality of the area. The proposed developments were not in line with the planning intention of the “GB” zone and there was a general presumption against development within “GB” zone. No strong justifications had been provided in the submission for a departure from the planning intention. The approval of the applications would set undesirable precedents for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in encroachment of the “GB” zone by developments and had adverse environmental, landscape and

traffic impacts in the area.

6. Noting that the land available within Nam A would not be sufficient to meet the 10-year Small House demand, a Member asked if there was any proposal to make good the deficiency. Ms. Ann O.Y. Wong replied that land was available in other “V” zones in the surrounding area such as Long Keng Village, which after meeting demand of their own villages, would be used for villagers in Nam A and other villages. The same Member asked whether Director of Water Supplies had any plan to review the boundary of water gathering grounds. Ms. Ann O.Y. Wong replied that there was no plan for the revision of the boundary for the WGG by WSD at the moment.

Deliberation Session

7. The Chairperson remarked that though unauthorized tree felling activities were found in part of the application sites and their surrounding area, there were no evidence to show such activities were done by the applicants. The applications should be rejected mainly on the grounds that they were not in line with the interim criteria for consideration of application for NTEH/Small House development in that the proposed NTEH/Small Houses fell within WGGs and might have adverse impact on the water quality of the area.

8. After further deliberation, the Committee decided to reject the applications No. A/SK-TMT/24 to 27 and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, and there was a general presumption against development within the “GB” zone. No strong justifications had been provided in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the interim criteria for

consideration of application for New Territories Exempted House/Small House Development in the New Territories in that it was located within the water gathering ground. There was insufficient information in the submission to demonstrate that the proposed development within the water gathering grounds would not pose adverse impact on the water quality of the area; and

- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in encroachment of the “GB” zone by developments and would cause adverse environmental, landscape and traffic impacts in the area.

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members’ enquires. Ms. Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.W. Chan, Ms. Lisa L.S. Cheng and Ms. Stephanie P.H. Lai, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/674 Proposed Public Utility Installation (Micro-cell Base Station)
in “Residential (Group B)” zone,
the Public Footpath and Lamp Post No. 1809
at Mei Wo Circuit, Sha Tin
(RNTPC Paper No. A/ST/674)

Presentation and Question Sessions

9. The Chairperson extended a welcome for Mr. Francis Chan and Mr. Tony Yip of Office of the Telecommunications Authority to the meeting to answer questions from Members. She then invited Mr. W.W. Chan, STP/STN to brief Members on the application. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed public utility installation (micro-cell base station);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) the planning application was published three times and a total of 26, 16 and 11 public comments were received during the respective publication periods. Most of them were against the planning application on the grounds that the subject area was predominately residential in nature which was considered not suitable for the proposed installation and there was concern that radiation to be released from the proposed installation would adversely affect the health of local residents. Besides, similar applications had been rejected showing that the proposed installation was not accepted by the developments nearby. The installation of telecommunication radio base station at the subject site would adversely affect the property price and the visual quality of the area. There were other suitable locations which were far away from the residential area. The need for the proposed mobile radio base station to be installed in the area was doubtful. The major reason for the commenters who agree/did not raise objection to the proposed development was that the proposed installation would help improve the mobile phone services in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. The proposed micro-cell base station (MCBS) was small in scale and the proposed development would unlikely have any adverse visual impact. The application site was located at the public footpath of Mei Wo Circuit. After deducting the width of the proposed equipment cabinet, the remaining width of the footpath was about 3.2m which could meet the requirement from Transport Department. According to the Office of the Telecommunications Authority (OFTA), the service coverage of the applicant's network was poor in the area and the proposed site was considered the best location for the proposed installation. There was no convincing scientific evidence that low level radio frequency signals from radio base stations would cause adverse health effects to human if the operation of the proposed MCBS met the relevant exposure limits. Regarding the public comments, OFTA advised that the level of radio frequency radiation of the proposed base station complied with the limits recommended by International Commission on Non-Ionizing Radiation Protection (ICNIRP) for the protection of the occupational personnel and the general public. In addition, mobile phone operator was required to comply with the requirements of the "Code of Practice for the Protection of Workers and Members of Public Against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment" ("COP") issued by OFTA. There were also local comments supporting the application for reason of improving the mobile phone services for the residents in the area.

10. A Member asked whether any explanation had been made to the local residents with regard to their concerns on the proposed installation. Mr. W.W. Chan replied that all the information submitted by the applicant was published for public inspection and he had responded to the enquiry from the public relating to the planning

application via e-mail and telephone. Another Member asked about the coverage served by the subject MCBS. Mr. Tony Yip replied that it was targeted to serve the residents and visitors of Garden Villa, Votre Palais, Niagara Court and Ville De Cascade at Mei Wo Circuit and the surrounding areas.

11. The Chairperson asked whether OFTA had considered the alternative locations (such as Lions Pavilion) as proposed by the public commenter were suitable for the installation of MCBS. Mr. Tony Yip replied that the application site was preferred because of various technical considerations such as the availability of electricity supply and telecommunications lines. He further advised that the radiated power of the subject MCBS would be less than 5 Watts which was much lower than the radio base stations installed at roof-tops with maximum radiated power of 100 Watts. Regarding the proposed location at Lions Pavilion, Mr. Yip said that it was at a distance from Mei Wo Circuit and hence would require much stronger radiated power. Locating the MCBS there might also be objected by the residents nearby. Mr. Yip further explained that the operator would be required to comply with the "COP" issued by OFTA and the limits recommended by the ICNIRP. Mr. Francis Chan supplement that there was no scientific evidence that the exposure to low level radio frequency signal from radio base station would cause health hazard if the operation of the station met the limits recommended by ICNIRP. In fact, the Director of Health had no objection to the proposed installation.

12. A Member asked if the applicant had explained to the residents about the low level of radiated power emitted from the subject MCBS. Mr. W.W. Chan explained that the applicant had provided further information on the radiation emission of the proposed installation and the information had been published for public inspection.

13. A Member noted that while the applicant claimed that the subject MCBS was to improve the services at Mei Wo Circuit, it was the residents there that had raised objection to the application. He asked if the MCBS under application was necessary. Mr. Tony Yip explained that it was not unusual that there were both objectors and supporters to this type of installation. He added that apart from the service to the residents of Mei Wo Circuit, the subject MCBS would also serve the public passing through the area.

14. Since the Members had no further question to raise, the Chairperson thanked Mr. Francis Chan and Mr. Tony Yip, representatives of OFTA for their attendance to answer Members' enquires. They left the meeting at this point.

Deliberation Session

15. A Member noted that though the proposed installation was to serve the residents of Garden Villa and Ville de Cascade, the Incorporated Owners of these two developments objected to the proposed installation. It was clear that the installation was not welcomed by the clientele it intended to serve. This Member therefore had reservation to the application. He considered that the relevant Government department should be more proactive to explain to the people who expressed grave concern on the health aspect rather than just attending the meeting to explain to Members.

16. Another Member opined that though he had no objection to the application, OFTA should co-ordinate with the applicant to explain the details of the installation to the local residents to address their concerns on potential health hazard. The Secretary explained that PlanD was aware of the objections raised by the residents and had discussed with the applicant. As no further information could be obtained from the applicant, representatives of OFTA were invited to the meeting to provide more technical information for Members' consideration. Another Members opined that the applicant should be asked to carry out more thorough consultation with the local residents. This Member also had reservation to approve the application.

17. A Member noted that according to the OFTA, the proposed installation could improve the service coverage and both Director of Health and OFTA indicated that the installation would not cause health hazard and thus the Committee should take account of their expert views in the consideration of the case. As such, this Member considered that the subject planning application should be approved. Another Member also concurred with this view.

18. While noting that there were some dissenting views from a few Members, the

Chairperson concluded that the planning application could be approved taking into account OFTA's view on the need for the installation and that it would unlikely cause health impact. Regarding the concern expressed by some Members on the consultation with local residents, the Chairperson said that OFTA should engage the community themselves or to ask the operators to carry out consultation with the local residents to ease their concerns in future.

19. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that a clear width of not less than 3.2 m for public footpath after the installation of the proposed equipment cabinet should be provided.

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

- (a) apply to the District Lands Officer/Shu Tin, Lands Department for a block short-term tenancy to facilitate the proposed installation;
- (b) note the comments of the Senior Engineer/Lighting Division, Highways Department as stated in paragraph 8.1.3 of the Paper that their no objection stance was subject to the applicant's compliance with the requirements of the Highways Department;
- (c) note the comments of the Director of Electrical and Mechanical Services as stated in paragraph 8.1.5 of the Paper on the requirements for compliance with the "Code of Practice on Working near Electricity Supply Lines" and the "Code of Practice for the Electricity (Wiring) Regulations", and the application for electricity supply for the proposed telecommunication equipment;

- (d) note the comments of the Director Health as stated in paragraph 8.1.6 of the Paper on direct on-site measurements upon commissioning of the concerned micro-cell based station; and
- (e) note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department as stated in paragraph 8.1.7 of the Paper that the colour of the proposed facilities should be in subdued colour and that the adopted colour scheme should be compatible with that of the existing street furniture.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/677 Shop and Services (Fast Food Counter)
in “Industrial” zone,
Unit 7C, L1 Floor, Wah Yiu Industrial Centre,
30-32 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/677)

Presentation and Question Sessions

21. Mr. W.W. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) shop and services (fast food counter);
- (c) departmental comments – concerned Government departments had no objection to/no adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Shah Tin; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be approved on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the paper. The use of the premises as fast food counter was in line with the Town Planning Board Guidelines No. 25D as the applied use would not adversely affect the traffic conditions in the local road network. It was small in scale and would not result in a significant loss of industrial floor space. It was considered not incompatible with the adjoining units on the ground floor of the same industrial building which was occupied by mixed industrial and commercial uses. The proposed fast food counter at the subject premises could provide more convenient service to cater for the needs of the workers in the vicinity. In order not to jeopardize the long term planning intention of industrial use for the subject premises, it was proposed that the application could be approved on a temporary basis for a period of three years.

22. Members had no question on the application.

Deliberation Session

23. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009;

- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2009; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

24. The Committee also agreed to advise the applicant :

- (a) that prior to planning permission should have been obtained before commencing the applied use at the application premises;
- (b) that a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department regarding the fire resistance of the walls separating the application premises and the remaining part of the workshop. Besides, all unauthorized building work/structures, if any, should have to be removed. The granting of the planning approval should not be construed as an acceptance of any unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in future. Furthermore, all building works were subject to compliance with the

Buildings Ordinance;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only be queued up inside the subject premises and should not obstruct pedestrian flow on public footpaths;
- (f) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as a ‘food factory’ or as a ‘factory canteen’, and detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/380 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 852 S.D in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/380)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site was currently occupied by a banana orchard; and the vegetable fields and orchard in its vicinity were with active agricultural life. The Director of Environmental Protection (DEP) did not support the application and the Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2), WSD) objected to the application since the application site fell within the upper indirect water gathering grounds (WGGs) and would not be served by the planned sewerage system in the area. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the Small House application should not be considered as the proposed house site did not fall within any village ‘environs’ (“VE”);
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Although the land available could not fully meet the future Small House demand, the proposed development did not meet the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the proposed Small House footprint was entirely outside both the “Village Type Development” (“V”) zone and ‘VE’. The application was not in line with the planning intention of the “AGR” zone and there was no strong justification in the current

submission for a departure from the planning intention. The application site fell within the upper indirect WGGs and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area.

26. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House development in that the proposed house with more than 50% of the footprint outside both the village ‘environs’ and the “Village Type Development” zone of recognised villages;
- (b) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the current submission for a departure from the planning intention; and
- (c) the proposed development fell within the upper indirect water gathering grounds (WGGs) and was not able to be connected to the existing or planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed

development located within the WGGs would not cause adverse impact on the water quality in the area.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/381 Proposed Eight Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lot 1891 and Extension in D.D. 7, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/381)

28. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Philip So & Associates Consulting Civil & Geotechnical Engineers Ltd. and ATAL Engineering Ltd., which were the consultants for the application. The Committee noted that Dr. Lau had tendered apologies for being not able to attend the meeting.

Presentation and Question Sessions

29. The Committee noted that the applicant requested on 11.3.2009 for a deferment of the consideration of the application for one month to allow time for him to address the Director of Environmental Protection’s concerns on the sewage matters.

Deliberation Session

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

information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/270 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 82 S.B and 28 S.B in D.D. 27, Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/270)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had in-principle objection to the application unless the applicant was prepared to undertake the natural terrain hazards study and the associated mitigation works, if necessary, as part of the proposed development;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Tai Po; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed NTEH/Small House development complied with the assessment criteria in the interim criteria for consideration of application for NTEH/Small House development in that the application site fell mostly within the “Village Type Development” (“V”) zone, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. The site was located at the fringe of an existing village and the proposed Small House was not incompatible with the surrounding area. Regarding the concerns from H(GEO), CEDD on slope safety, an approval condition was recommended to require submission of a natural terrain hazard study and the implementation of the associated mitigation measures.

32. Members had no question on the application.

Deliberation Session

33. 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 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

- (c) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) consult the Director of Environmental Protection regarding the sewage treatment/disposal method for the proposed development;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no existing public sewerage connection was available. There was no existing public stormwater drains available for connection in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and

- (d) 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.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point while Mr. B.W. Chan left the meeting at this point.]

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/419 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 354 S.X in D.D. 21, Pun Shan Chau, Tai Po
(RNTPC Paper No. A/TP/419)

35. Mr. Donald Yap had declared an interest in this application as he had working relationship with Donald Yap, Cheng & Kong, Solicitors, which was one of the consultants for the application.

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

Presentation and Question Sessions

36. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House development met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that not less than 50% of the proposed Small House footprint fell within the “V” zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Pun Shan Chau. The proposed Small House was considered not incompatible with the surrounding areas which were rural in character and occupied by some villages houses to the immediate east and south.

37. Members had no question on the application.

Deliberation Session

38. 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 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was

commenced or the permission was renewed. The permission was subject to the following conditions:

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

39. The Committee also agreed to advise the applicant that :

- (a) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (b) the Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the proposed development and the provision of septic tank;
- (c) due to the relatively high level and remoteness of the site, the applicant might need to make use of his private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance to Water Supplies Department standards of any private water supply system to

the development;

- (d) the applicant should note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (f) the applicant should note that geotechnical submission to Buildings Department or District Lands Office/Tai Po were required should the proposed development affects or be affected by existing slopes or walls. An Authorized Person/Registered Structural Engineer/Registered Geotechnical Engineer should be appointed to submit any new works to the District Lands Officer/Building Department/the Head of Geotechnical Engineering Office, Civil Engineering and Development Department for checking;
- (g) prior to establishing any structure within the application site, the applicant and his contractors should consult the CLP Power Hong Kong Limited (CLPP) and if diversion of the electricity supply lines in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate; and
- (h) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/420 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lots 362 S.A ss.1 and 362 S.A ss.2 in D.D. 22,
Lai Chi Shan Village, Tai Po
(RNTPC Paper No. A/TP/420)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had some reservations on the application as the cumulative effect of approving such applications might lead to urban sprawl and loss of greenery. The Assistant Commissioner for Transport/New Territories had reservation on the application since the proposed development, if permitted, would set an undesirable precedent case for similar applications;
- (d) the District Officer/Tai Po advised that the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Lai Chi Shan had been consulted. The IIR had no comment but the RR raised objection to the application on the ground that the green belt area should be preserved. The RR had also submitted an objection letter signed by 28 villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area, the proposed NTEH/Small House development complied with the assessment criteria in the interim criteria for consideration of application for NTEH/Small House development in that over 50% of the Small House footprint fell within the ‘VE’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village concerned. The proposed NTEH/Small House was compatible with the surrounding rural environment and was not envisaged to impose significant impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Regarding the concerns from CTP/UD&L and local villagers on the protection of green belt area, an approval condition on the submission and implementation of landscape proposal could be incorporated to avoid the function of green belt being further defeated.

41. Members had no question on the application.

Deliberation Session

42. 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 13.3.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the

TPB; and

- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

43. The Committee also agreed to advise the applicant that :

- (a) 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 also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (b) water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) Environmental Protection Department should be consulted regarding the preferred sewage treatment/disposal method of the proposed development;

- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and
- (f) geotechnical submissions to Buildings Department / Lands Department were required should the proposed development affects or be affected by existing slopes or walls. To achieve this, the applicant should appoint an Authorized Person/ Registered Structural Engineer/ Registered Geotechnical Engineer to submit any new works to Buildings Department / Lands Department / Geotechnical Engineering Office for checking.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/421 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 343 in D.D. 32, Ha Wong Yi Au Village, Tai Po
(RNTPC Paper No. A/TP/421)

44. The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the application. Professor David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application as the site did not fall within any village ‘environs’ (‘VE’). The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application since the proposed development, if permitted, would set an undesirable precedent case for similar applications. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view as the proposed development would involve site formation works which required extensive area of woodland vegetation to be removed. The approval of the application would also allow more intrusion on the “Green Belt” (“GB”) zone and was likely to bring adverse impact on the existing landscape quality and resources;
- (d) Two public comments from the Kadoorie Farm and Botanic Garden Corporation and World Wild Fund Hong Kong were received during the statutory publication period. They were against the development as the application was not in line with the planning intention of the “GB” zone and the nearby environment would be degraded. However, several native trees were found at the subject site and protection measures or compensatory planting should be proposed if the application would affect these trees. The site formation works involved might encroach onto an environmentally sensitive seasonal natural stream in close proximity and might result in irreversible destruction; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper.

The proposed NTEH (Small House) was not in line with the planning intention of the “GB” zoning. There was a general presumption against development within the “GB” zone and there was no strong justification in the current submission for a departure from the planning intention. The proposed Small House footprint fell entirely outside the ‘VE’ and “Village Type Development” zone which was not in line with the interim criteria for consideration of application for NTEH/Small House in the New Territories. Due to the hilly location of the site, the proposed development would require site formation works to be carried out and extensive area of the woodland vegetation including trees, shrubs and groundcover to be removed. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape impacts on the subject site and surrounding areas. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.

46. Members had no question on the application.

Deliberation Session

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

- (a) the proposed NTEH (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House development in that over 50% of the application site and the proposed house were located outside both the village ‘environs’ and the “Village Type Development” zone of a recognized village;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have adverse landscape impacts on the subject site and surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/181 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 3983 S.G in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/181)

Presentation and Question Sessions

48. 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 such development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/North; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House complied with the interim criteria for consideration of application 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 Wo Hop Shek San Tsuen and Wo Hing Tsuen, and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the same villages. Although the application site fell within the "Green Belt" ("GB") zone, the application site was currently vacant and was not incompatible with the surrounding rural and village environment. Even though AC for T/NT, TD had reservation, 6 similar applications for Small House developments were previously approved in the vicinity of the application site within the same "GB" zone.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2013, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

51. The Committee also agreed to advise the applicant to note :

- (a) the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) 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;
 - (ii) the application site was within WSD flood pumping gathering

ground;

- (iii) watermains in the vicinity of the application site could not provide the standard firefighting flow; and
- (b) that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/131 Proposed Comprehensive Residential Development with
Minor Relaxation of Plot Ratio and Site Coverage Restrictions
in “Comprehensive Development Area” and “Road” zones,
Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part),
712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part),
2158 RP (Part) in D.D. 92 and Adjoining Government Land,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/131)

Presentation and Question Sessions

52. The Committee noted that the applicant requested on 23.2.2009 for a deferment of the consideration of the application for one month as further design refinements were being undertaken to respond to various issues raised by Government departments. The applicant anticipated that he would submit further information for

consideration by the Committee within one month in March 2009.

Deliberation Session

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/132 Temporary Warehouses of Construction Materials and
Ancillary Workshop for a Period of 3 Years
in “Open Space”, “Industrial (Group D)” and “Road” zones,
Lots 744 and 749 in D.D. 92, Yin Kong, Sheung Shui
(RNTPC Paper No. A/NE-KTN/132)

Presentation and Question Sessions

54. 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) temporary warehouses of construction materials and ancillary workshop for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site. Environmental nuisance to nearby villagers was expected;

- (d) the District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Sheung Shui District Rural Committee and one of the village representatives of Yin Kong had no comment on the application but had concerns on potential environmental impacts and fire hazard problems associated with the use under application. The concerned North District Council member and another village representative of Yin Kong had raised an objection to the application on ground that the applicant had not specified the materials to be stored inside the warehouses and the adverse traffic impact brought about by the proposed use. They were concerned that should inflammable items be stored, the warehouses would pose a fire safety hazard to nearby villagers. Besides, the stored materials might generate unpleasant odour or emit toxic gases after being burnt thus affecting nearby villagers' health. The use would also generate additional traffic which might cause significant impact on the capacity of the local access road and traffic safety hazards to the villagers; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. Although the application site fell within an area mainly zoned "Open Space" ("O") and 'Road', there was no programme for development of the "O" zone and the proposed 'Road 3' project which ran through the application site had already been dropped. The approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the site. The development under application was

not incompatible with the surrounding land uses which mainly comprised warehouses, open storage and logistic yards, and fallow agricultural land. Regarding DEP and local's concerns, the applicant would be advised to undertake environmental mitigation measures to address the environmental concerns. On the local objections to the application on fire hazard and traffic safety grounds, it could be addressed by inclusion of relevant conditions in the planning permission.

55. The Chairperson asked whether the applicant had complied with the approval condition on the provision of fire services installation (FSI) imposed under the previous planning permission. Ms Stephanie Lai replied that the applicant had already complied with the approval condition on the provision of FSI of the previous planning application.

Deliberation Session

56. The Chairperson said that as the 'Road 3' project which ran through the application site had already been dropped, the zoning on the subject outline zoning plan would need to be reviewed. Ms Stephanie Lai responded that it would be reviewed when opportunity arose.

57. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, 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 or container trucks were allowed for transportation of goods to/from the application site during the planning approval period;
- (b) to maintain the existing drainage facilities properly and rectify those facilities if they were found inadequate/ineffective during the planning

approval period;

- (c) to maintain all existing fire service installations and equipment during the planning approval period;
- (d) the submission of vehicle run-in/out, parking and loading/unloading arrangements within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.9.2009;
- (e) in relation to (d) above, the provision of vehicle run-in/out, parking and loading/unloading arrangements within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.12.2009;
- (f) the submission of a conditional survey with photographic records of the existing drainage facilities on site as previously implemented on the same site for the previously approved application No. A/NE-KTN/104 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;
- (g) the submission 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 13.9.2009;
- (h) in relation to (g) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2009;
- (i) 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

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

58. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
 - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R)19(3) at the building plan submission stage. The applicant's attention was also drawn to B(P)R41(D) regarding the provision of emergency vehicular access to the development under application;
 - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under

the BO or other enactment might be taken if contravention was found; and

- (iv) a temporary building permit for the two warehouses at the application site issued by the Building Authority had already expired. The applicant should enlist an Authorized Person to apply for renewal of the permit;
- (c) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
- (i) existing water mains located on the footpath accessible by the public would be affected. A waterworks reserve within 1.5 m from the centreline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. If not, the applicant should bear the cost of the diversion works;
 - (ii) the development under application was within flood pumping gathering grounds associated with River Indus and River Ganges pumping stations; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (d) 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.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/388 Temporary Retail Shop and Storage of Building Materials and Metalwares for a Period of 3 Years
in "Village Type Development" and "Agriculture" zones,
Lots 578 RP (Part), 579 RP (Part) and 580 RP and
Adjoining Government Land in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/388)

Presentation and Question Sessions

59. The Committee noted that the applicant requested on 3.3.2009 for a deferment of the consideration of the application for two months to allow time for him to prepare a revised environment impact assessment.

Deliberation Session

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/390 Proposed 5 Houses
(New Territories Exempted Houses - Small Houses)
in “Agriculture” and “Village Type Development” zones,
Lots 640 S.A, 640 S.B, 640 S.C, 640 S.D and 689 RP in D.D. 83, Kwan
Tei Tsuen, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/390)

Presentation and Question Sessions

61. 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 5 houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application since the site was graded as ‘good’ agricultural land with high potential for agricultural rehabilitation and was currently used for growing vegetables. Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as such development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial.
- (d) District Officer (North), Home Affairs Department (DO(N), HAD) advised that The Chairman of the Fanling District Rural Committee

(FDRC), the Resident Representative (RR) and Indigenous Inhabitants Representative (IIR) of Fu Tei Pai supported the application and the RR and IIR of Kwan Tei Tsuen had no comment. The RR of Kwan Tei Tsuen wished to ensure no disturbance to the villagers during the construction of the houses; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed Small Houses complied with the interim criteria for consideration of application for NTEH/Small House development in that sympathetic consideration might be given as not less than 50% of the proposed NTEH/Small House footprints fell within the village 'environs' of a recognized 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 village. Although the application site fell mainly within the "AGR" zone, the application site was close to the boundary of the "V" zone and the proposed NTEHs were not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, significant adverse landscape impact arising from the proposed development was not likely. Regarding concerns from DAFC and AC for T/NT, the application site fell mainly within the 'VE' of Kwan Tei Tsuen and similar application for NTEH was previously approved in the vicinity of the application site.

62. Members had no question on the application.

Deliberation Session

63. 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 13.3.2013, and after the said date, the permission should

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

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

64. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments:
 - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to 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 private lots to Water Supplies Department's standards;
 - (ii) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
 - (iii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and

- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, 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.

[The Chairperson thanked Mr. W.W. Chan, Ms. Lisa L.S. Cheng and Ms. Stephanie P.H. Lai, STPs/STN, for their attendance to answer Members' enquires. Mr. Chan, Ms. Cheng and Ms. Lai left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, 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 20

[Open Meeting (Presentation and Question Sessions only)]

Draft Planning Briefs for "Comprehensive Development Area"

Sites in Areas 112 and 115 on Approved Tin Shui Wai Outline Zoning Plan No. S/TSW/12
(RNTPC Paper No. 4/09)

Presentation and Question Sessions

65. The Committee noted that the Director of Planning, the Director of Lands, Mr. Timothy K.W. Ma and Mr. Y. K. Cheng were members of the Hong Kong Housing Society (HKHS), who was the allocatee of the "Comprehensive Development Area" ("CDA") Site in Area 115, Tin Shui Wai under this item. Mr. Cheng had tendered

apologies for not attending the meeting. The Chairperson, Mr. Yu and Mr. Ma declared interests in this item and the Committee noted that they had left the meeting. Mr. Alfred Donald Yap chaired the meeting for this item at this point.

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

Presentation and Question Sessions

66. With the aid of a Powerpoint presentation, Mr. W.M. Lam, STP/TMYL, presented the views from Yuen Long District Council (YLDC) Members on the draft planning briefs (“PB”) for the two “Comprehensive Development Area” (“CDA”) sites in Areas 112 and 115 on the approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/12 as detailed in the Paper:

- (a) On 24.10.2008, the draft planning briefs for the two “CDA” sites were considered by the Committee and agreed that they were suitable for submission to the YLDC for consultation. On 19.11.2008, the Town Planning and Development Committee of the YLDC was consulted on the draft PBs. YLDC members expressed general support to the PBs. The major comments from YLDC members and responses from the Government departments were summarized below:

Layout and Building Design

- (i) a YLDC member suggested that balconies should not be provided in the future buildings so as to prevent any ecological disturbance and adverse visual impact on the Hong Kong Wetland Park (HKWP). Another YLDC member suggested extending the coverage of the proposed 30m-wide non-building area along the boundaries with the HKWP to better protect the park. The Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD), advised that balconies would unlikely have significant visual impact. Prohibiting construction of balconies, which would also unduly restrict design

flexibility in the development, was considered not appropriate. While the proposed 30m non-building buffer area represented a minimum requirement for the protection of the core habitats of the HKWP, a more extensive buffer area was always welcomed. The PBs would be revised accordingly;

Natural Noise Barriers

- (ii) in ameliorating traffic noise nuisance, a YLDC member suggested using natural noise barriers like landscape mounds and trees rather than metal barriers to minimize visual intrusion. In fact, the preference of using landscape mounds in combination with screen planting had already been stated in the PBs. Opportunity would be taken to also include “Guidelines on Design on Noise Barriers” issued by Environmental Protection Department, which provided specific and detailed guidelines on choosing the appropriate form and materials of the noise barriers, as reference to prospective developers;

Stipulation of Maximum GFA

- (iii) a YLDC member suggested capping the maximum GFA in the PBs as developers might claim bonus plot ratio and the Building Authority might grant exemptions on calculation of GFA under the Buildings Ordinance. In the draft PBs, a maximum plot ratio of 1.5 was stipulated according to the Notes of the OZP for the “CDA” zone. According to the Notes of the OZP, the GFA for certain facilities such as car park, loading/unloading bay, plant room, caretaker’s office/quarters or recreational facilities that were ancillary and directly related to the development might be disregarded in determining the maximum plot ratio. Additional GFA exemption or bonus plot ratio might also be granted under Buildings Ordinance. As it was always difficult to determine at the planning stage the amount of GFA for these facilities which would be varied according to the specific layout and building design, it was therefore considered not practicable to

specify a cap on the maximum GFA/plot ratio in the PBs;

Provision of Public Car Park and Coach Pick-up/Drop-off Areas

- (iv) a YLDC member suggested to provide more hourly car parking spaces and coach pick-up/ drop-off areas, and to specify the number of hourly car parking spaces in the PBs. The PB for the site at Area 112 stipulated the provision of a public car park with parking spaces for 90 private cars, 45 coaches and 9 motorcycles to meet parking needs of visitors to the HKWP. The requirement was recommended by Transport Department (TD). The provision of hourly parking spaces could be set out clearly in the land lease subject to TD's advice;

Other Comments

- (v) a YLDC member enquired whether the existing drainage channels at both "CDA" sites would be decked, and the decking area would be counted towards the site area. In fact, the prospective developer would have the opportunity to decide whether to deck or divert these channels/culvert in the detailed design stage. According to the Chief Engineer/Mainland North, Drainage Services Department, should the drainage channels be decked, a 3m area from each side of the drainage channels should be designated as drainage reserve (DR). The DR would be a non-building area, though it would normally form part of the site for development; and
- (vi) some YLDC members were concerned about the location of the proposed hospital and waste recycling centres in Tin Shui Wai and enquired if it would be in Area 115. For Tin Shui Wai Area 115, the Chief Executive had announced in the Summit on Social Enterprise in December 2007 that the Government would consider using the land (as well as land in Area 112) flexibly to facilitate the social and economic development of Tin Shui Wai benefiting the local residents. In October 2008, the Government agreed in-principle a non in-situ land

exchange with Hong Kong Housing Society for proceeding with the “Integrated Elderly Community Project” at the “CDA” site in area 115 in two phases. As such, the site would not be available for hospital and recycling centre.

- (b) In sum, two minor amendments to the PBs to clarify the proposed coverage of non-building area as the minimum requirement and suggest further reference for the design of noise barriers were proposed to be incorporated in the PBs.

67. A Member asked how the design principles as contained in the PBs could help strike a balance between conservation of the HKWP and the comprehensive development at the subject sites. Mr. W.M. Lam replied that the design principles were drawn up in consultation with the concerned departments, Agriculture, Fisheries and Conservation Department in particular, paying due attention to the HKWP. For example, a 30m wide non-building area along a major part of the boundaries abutting HKWP was proposed to avoid the ecological impact on the core habitat of HKWP. Such non-building area was not proposed on the northern and southern parts of the subject sites as the areas were not directly facing the major core habitat of the HKWP.

Deliberation Session

68. After further deliberation, the Committee :

- (a) noted Yuen Long District Council’s comments on the draft Planning Briefs (BPs) and Planning Department’s responses as detailed in paragraph 3 of the Paper; and
- (b) endorsed the draft PBs for the two “CDA” sites in Area 112 and 115 to guide future development on respective sites.

[The Vice-chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer

Members' enquires. Mr. Lam left the meeting at this point.]

[Mrs. Ava S.Y. Ng, Mr. Simon K. M. Yu and Mr. Timothy K.W. Ma returned to the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/594 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles, Heavy Goods Vehicles and Container Trailers under Application No. A/YL-HT/431 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 3164, 3165, 3166, 3167 S.A (Part), 3168, 3177, 3178 (Part), 3179, 3180, 3181 S.A, 3181 RP, 3182, 3183, 3184 (Part), 3187 RP, 3188 RP in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/594)

Presentation and Question Sessions

69. 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) renewal of planning approval for temporary public vehicle park private cars, light goods vehicles, heavy goods vehicles and container trailers under Application No. A/YL-HT/431 for a period of three years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) had not received any application for Short Term Waiver (STW) to regularize the unauthorized structure on the site. As there was no prospect of regularization of the irregularities, he did not support

the application;

- (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 for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the TPB PG-No. 13E. The applied use was not incompatible with the surrounding uses to its north, east and west within the subject “CDA” zone which was predominantly occupied for open storage yards, vehicle parks, warehouses and workshops. Besides, it was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone on the outline zoning plan (OZP) since there was no programme/known intention to implement the zoned use on the OZP. The Committee had approved the previous application No. A/YL-HT/431 and the approval of the subject application was in line with the Committee's previous decision. With regard to DLO/YL's concern, the applicant would be reminded to apply for short term waiver to regularize the unauthorized structures on site again.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m. was allowed on

the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Traffic Regulations was allowed to be parked on the site during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/431 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;
- (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 13.9.2009;
- (h) in relation to (g), 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 13.12.2009;
- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.9.2009;

- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.12.2009;
- (k) the construction of an intercept channel at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.12.2009;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

72. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the

concerned owner(s) of the application site;

- (b) that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (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 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 occupation boundary and the application boundary; to apply for Short Term Waiver (STW) to regularize any unauthorized structures on site; and to properly carve out the portions of lots within the site unless the portions outside the site were free of any structure. Should no STW application be received/approved and the said irregularities persist, his office would take appropriate action according to the established district lease enforcement programme;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the

BO was required; Authorized Person had to be appointed to coordinate all building works;

- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress 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 for completion by end 2010, and that the applicant should not be entitled for any compensation thereof; and that the road level of Ping Ha Road would be raised after the proposed improvement works, and that any necessary modification works at the ingress/egress route to/from the site should be carried out at the applicant's own expense in future to tie in the interface with the said project;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments to construct the run-in/out at the access point in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate to match with the adjacent pavement condition;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected, and the applicant would have to bear the cost of any necessary diversion works; and

- (j) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix VI of the Paper.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/595 Temporary Open Storage of Containers for a Period of 3 Years in "Green Belt" and "Comprehensive Development Area" zones, Lots Nos. 133 (Part), 134 (Part), 135 (Part), 260 S.A (Part), 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 271 (Part), 272 (Part), 273 (Part), 274 (Part), 277 (Part) and 278 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/595)

Presentation and Question Sessions

73. 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) temporary open storage of containers for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that subsequent to last planning permission No. A/YL-HT/430, his office received only 2 applications from owners of Lot 135 and 263 for Short Term Waiver (STW) to regularize unauthorized structures on the lots whereas no response was received from owners of other Lots 264, 266, 267, 268 & 274. As there was no

prospect of regularization of the irregularities in whole, his office did not support the subject planning application;

- (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 for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell partly within Category 1 (about 13%), partly within Category 2 (about 86%) and partly within Category 3 (about 1%) areas under the TPB PG-No. 13E. Although the site fell largely within the “GB” zone (about 88%), the site had been used for open storage of containers since 1997. Open storage of containers on the site was therefore not incompatible with the surrounding land uses. The approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone on the OZP since there was no programme/known intention to implement the zoned use. The site was the subject of 9 previously approved applications and approval of the subject application was in line with the Committee’s previous decision.

74. A Member asked whether the compliance period of 9 months stipulated under the paragraph 13.2 (i) on the provision of fire service installations could be shortened. Mr. Anthony Lee replied that the site was quite big and might require more time to provide the fire service installation. The Secretary advised that the Committee would normally allow a period of 6 months for submission of proposal and 3 more months for implementation of the proposal.

Deliberation Session

75. The Chairperson said that as a result of the economic downturn, the logistic

industry was suffering a difficult time and a large number of empty containers were left in Hong Kong. There was a large demand for storage of the empty containers. She urged the Committee to take this factor into account in considering similar application.

76. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/430 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;

- (h) 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 13.9.2009;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2009;
- (j) the submission of a revised landscape proposal, with indication of existing trees and proposed trees, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (k) in relation to (j) above, the implementation of the revised landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2009;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

77. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) 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 the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office, to obtain the right of way from private land leading from Ping Ha Road for the vehicular access to the site, to apply for Short Term Waiver (STW) to regularize any unauthorized structure on site, and to properly carve out the portions of the lots within the site unless the portions outside the site were free of any structure. Should no STW application be received/approved and the said irregularities persist, his office would take appropriate action according to the established district lease enforcement programme;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and

maintenance authorities accordingly;

- (f) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; Authorized Person had to be appointed to coordinate all building works; and
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the inside services to the nearest suitable government water mains for connection might need to be extended. 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 should be resolved, and that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/599 Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Recreation” and “Open Storage” zones, Lots 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/599)

[Professor Paul K.S. Lam left the meeting temporarily at this point.]

Presentation and Question Sessions

78. The Committee noted that the applicant requested on 3.3.2009 for a deferment of the consideration of the application to 27.3.2009 to allow time for relevant government departments to consider the further information submitted on 3.3.2009.

Deliberation Session

79. 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 27.3.2007 and no further deferment would be granted unless under very special circumstances.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/600 Temporary Open Storage of Construction Materials, Construction Machinery and Scrap Metals and Container Vehicle Park with Ancillary Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 844 RP (Part) and 897 S.B RP (Part) in D.D. 125, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/600)

Presentation and Question Sessions

80. 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) temporary open storage of construction materials, construction machinery and scrap metals and container vehicle park with ancillary repair workshop for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application since his office did not receive application for Short Term Waiver (STW) to regularize the irregularities since last planning permission No. A/YL-HT/514. Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site and the access road (Ping Ha Road) and environmental nuisance was expected. However, no pollution complaint against the site was received between January 2006 and December 2008;

[Professor Paul Lam returned to join the meeting at this point.]

- (d) One public comment from a Yuen Long District Councillor was received during the statutory publication period. The commenter objected to the application on the grounds that the site was close to residential dwellings of Tin Shui Estate and Tin Oi Court on the opposite side of the nullah, and considered that the heavy vehicles accessing the site and loading/unloading of goods would generate noise nuisance to the residents.

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the TPB PG-No. 13E. The areas surrounding the site in the same “Comprehensive Development Area” (“CDA”) zone were predominantly occupied for container vehicle parks and open storage yards, the applied use was not incompatible with the surrounding uses. Besides, it was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone on the OZP since there was no programme/known intention to implement the zoned use on the OZP. Regarding the DEP's concerns, there had not been any pollution complaint against the site over the last 3 years and approval conditions on the restrictions on operation hours as well as the type and stacking height of materials stored had been recommended. The Committee had approved similar applications in the surrounding area and approval of the subject application was in line with the Committee's previous decision. Regarding the public concerns, the site was far away from the nearest sensitive receiver in Tin Shui Wai and the concerns on environmental nuisance could be addressed by approval conditions.

81. In view of the revocation of the previous planning application due to

non-compliance of approval condition, the Chairperson asked what measures had been introduced to monitor the compliance of the approval conditions. Mr. Anthony C.Y. Lee replied that shorter compliance periods i.e. 3 months for submission of proposal and another 3 months for implementation of the proposal were recommended to monitor the fulfilment of approval conditions.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of hazardous electronic wastes (including computer monitors and cathode-ray tubes (CRT)), and storage of television sets and CRT should be permitted on the site during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the existing trees on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/514 should be maintained at all times during the planning approval period;

- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2009;
- (h) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2009;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009;
- (j) the construction of an intercept channel at the entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.6.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

83. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application.

It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (b) that shorter compliance period was granted in order to monitor the compliance of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was situated on two 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 consult Civil Engineering and Development Department for the access arrangement through the Government Land currently occupied by the Ping Ha Road Improvement & Related Works to the site, and to apply to his office for Short Term Waiver (STW) for structures erected on site. Should no STW application be received/approved and the said irregularities persist, his office would consider taking appropriate action according to the established district lease enforcement programme;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD should not be responsible for the maintenance of any vehicular access between the site and Ping Ha Road;
- (h) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof, any modification works at the ingress/egress route to/from the application site should be carried out at the applicant's own expense in future to tie in with the Ping Ha Road improvement works. The width of run-in to be constructed under the Ping Ha Road improvement works would be about 7m;
- (i) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; Authorized Person had to be appointed to coordinate all building works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/602 Temporary Open Storage of Scrap Metals and Trailers
for a Period of 3 Years in “Open Space” zone,
Lots 351 (Part), 352 S.C (Part) and 482 in D.D. 124,
Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/602)

Presentation and Question Sessions

84. 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) temporary open storage of scrap metals and trailers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site and the access road and environmental nuisance was expected. Nevertheless, no environmental complaint pertaining to the site had been received in the past three years;
- (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 for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 3 areas under the TPB PG-No. 13E. The subject fell within

an area zoned “Open Space” (“O”), however, there was no impending development proposal for the site. The approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “O” zone on the OZP since there was no programme/known intention to implement the zoned use on the OZP. The area surrounding the site had already been occupied by a number of open storage yards, and the applied use was not incompatible with the surrounding uses. Regarding DEP’s concerns, there had not been any environmental complaint pertaining to the site in the past three years. Approval conditions restricting the operation hours, the types of activity, and the stacking height of materials stored on-site had been proposed. The site was subject of 4 previous applications and the approval of the subject application was in line with the Committee’s previous decisions.

85. Members had no question 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 13.3.2012, 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 7:00pm to 9:00am, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, melting, cleansing, repairing and other workshop activity was allowed on the site during the planning approval period;
- (d) the stacking height of materials stored within 5m of the periphery of the

site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;

- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/406 should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/406 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;
- (g) the submission of a revised landscape proposal, with indication of existing trees and proposed additional trees, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (h) in relation to (g) above, the implementation of the revised landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2009;
- (i) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

87. 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 application, the recent application of Short Term Waiver for structures on Lot 482 and the detected unauthorized structures; to obtain the right of way from private land leading from Hung Tin Road slip road;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection;
- (d) note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should ensure that no surface water flows from the site onto the nearby public road/footpath and drains through the site entrance; HyD should not be responsible for the maintenance of any vehicular access connecting the site and

Hung Tin Road; and

- (f) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the applicant should be responsible for resolving any land matters (such as private lots) associated with the provision of water supply to the premises under the application and should be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/603 Temporary Logistics Centre and Open Storage of Containers
for a Period of 3 Years in "Recreation" zone,
Lots 490 (Part), 492 (Part), 493 and 494 (Part) in D.D.125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/603)

Presentation and Question Sessions

88. The Committee noted that the applicant requested on 23.2.2009 and 4.3.2009 for a deferment of the consideration of the application for two months to allow time for him to submit supplementary justifications on the traffic issue.

Deliberation Session

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

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/170 Proposed House (Low-rise, Low-density Residential) Development, Minor Relaxation of Building Height Restriction and Filling of Existing Ponds in “Residential (Group D)” zone, Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 RP, 3225 S.C RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.21 RP, 3250 S.B ss.40 (Part) and 4658 (Part) in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/170)

Presentation and Question Sessions

90. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd.. Mr. Alfred Donald Yap had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd..

91. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for the application. The Committee noted that Dr. Lau had tendered apologies for being not able to attend the meeting. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap was allowed to stay in the meeting.

92. The Committee noted that the applicant requested on 25.2.2009 for a

deferment of the consideration of the application for one month to allow time for him to resolve Director of Environmental Protection (DEP)'s concerns on industrial/residential interface. The applicant was arranging a meeting with DEP on the matter.

Deliberation Session

93. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that a total of 6 months since the application was first deferred by the Committee on 24.10.2008 for preparation of submission of further information was allowed and no further deferment would be granted unless under very special circumstances.

Agenda Item 28 and 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/360 Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities (with a 2,000L Diesel Oil Tank) under Application No. A/YL-ST/305 for a Period of 3 Years in "Residential (Group D)" zone, Lots 764 RP (Part) and 768 RP (Part) in D.D. 99, Lots 200 S.B (Part), 204 RP (Part) and 215 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/360)

A/YL-ST/361 Renewal of Planning Approval for Temporary Open Storage of Containers and Container Trailer Park with Ancillary Facilities under Application No. A/YL-ST/306 for a Period of 3 Years in “Residential (Group D)” zone, Lots 204 RP (Part), 205, 206 RP (Part), 207-209, 210 (Part), 211 (Part), 212 (Part), 213 RP, 214RP (Part), 215RP (Part), 353 (Part), 354 (Part), 355, 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 360 in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/361)

94. Noting that Applications No. A/YL-ST/360 and 361 were similar in nature and the application sites were close to each other within the same zone, the Committee agreed to consider the two applications together.

Presentation and Question Sessions

95. Mr. Anthony C.Y. Lee, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) renewal of planning approval for temporary open storage of containers and container trailer park with ancillary facilities (with a 2,000L Diesel Oil Tank) under Application No. A/YL-ST/305 for a period of 3 years for Application No. A/YL-ST/360; and renewal of planning approval for temporary open storage of containers and container trailer park with ancillary facilities under application No. A/YL-ST/306 for a period of 3 years for Application No. A/YL-ST/361;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. For application No.A/YL-ST/360, one waste pollution

complaint against the site was received in 2007;

- (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 uses could be tolerated for a temporary bases on the assessments given in paragraph 12 of the papers. The sites fell within Category 2 areas under the Town Planning Board Guidelines No. 13E. There was no impending development proposal for this part of the “Residential (Group D)” (“R(D)”) zone. The uses under application were considered not incompatible with the surrounding land uses. Besides, the approval of the applications on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. The sites were the subject of previous planning applications and approval of the subject applications was in line with the Committee’s previous decisions. To address DEP’s concern, approval conditions to restrict the operation hours and stacking height of containers had been recommended. As a complaint had been received for the site under application No A/YL-ST/360, a shorter approval period and shorter compliance periods of the relevant approval conditions would be imposed so as to monitor the situation on-site.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application No. A/YL-ST/360 on a temporary basis for a period of 2 years, instead of 3 years sought, until 13.3.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “PWP Item 112CD – Drainage Improvement in Northern New Territories Package A – The proposed San Tin Western Main Drainage Channel” project as and when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (f) the existing fencing on the site should be maintained at all times during the planning approval period;
- (g) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities

approved under Application No. A/YL-ST/233 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2009;

- (j) the submission of the as-planted plan within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2009;
- (k) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2009;
- (l) in relation to (k) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

98. After deliberation, the Committee decided to approve the application No. A/YL-ST/361 on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the

following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “PWP Item 112CD – Drainage Improvement in Northern New Territories Package A – The proposed San Tin Western Main Drainage Channel” project as and when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of the containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 7 units at any time during the planning approval period;
- (f) the existing fencing on the site should be maintained at all times during the planning approval period;
- (g) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;

- (i) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/232 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;
- (j) the submission of the as-planted plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2009;
- (k) 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 13.9.2009;
- (l) in relation to (k) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon 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.

99. For application No. A/YL-ST/360, the Committee also agreed to advise the applicant :

- (a) that as a waste pollution complaint pertaining to the site was received, a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation on-site and fulfillment of approval conditions;
- (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 (DLO/YL) comments that the application site includes Old Schedule Agricultural Lots held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. The submission mentioned that there were site offices, workshops and shelters on-site. The site also includes some Government land and his Office had no permission for its occupation. His Office reserved the right to take lease enforcement/land control action against these irregularities. Letter of Approval No. MT/LM1806 was issued in 1970 for erection of structures over Lot No. 204 (now known as 204RP) in D.D. 105 for agricultural purposes. Apparently, these agricultural structures had been converted for other non-agricultural purposes and his Office would arrange to terminate this Letter of Approval as appropriate. Should planning approval be granted, the registered owners of the relevant lots/occupier was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on-site. It was noted that the application site involved portions of lots. As it was his policy not to grant STW to portion of a lot, the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the application site was free of any structure. Should no

STW/STT application be received/approved and any irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action against the registered owners/occupier according to the prevailing programme;

- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's (CE/MN, DSD) comments that the applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage/public sewerage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some of the existing local village drain. The village drains were probably maintained by the District Officer/Yuen Long. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary. The applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost;

- (e) to note the Chief Engineer/Project Management, Drainage Services Department's comments that as the drainage improvement works under "San Tin Western Main Drainage Channel" project was currently under the planning stage. It was likely that the project scheme would need to be further revised and larger extent of land in vicinity of the current project scheme might be required subject to consultation with relevant stakeholders including village representatives, green groups and other government departments;

- (f) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (g) to note the Director of Fire Services’ comments that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations to his Department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. An emergency vehicular access should also be provided to comply with B(P)R 41D.

100. For Application No. A/YL-ST/361, 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 (DLO/YL) comments that the application site included Old Schedule Agricultural Lots held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. The submission mentioned that there were site offices, workshops and shelters on-site. The site also included some Government land and his Office had no permission for its occupation. His Office reserved the right to take lease enforcement/land control action against these irregularities. The application site included a House Lot Block (HL-YL-HLB) adjoining Lot No. 206RP in D.D. 105 and its detailed term was yet to be clarified if necessary. Should planning approval be granted, the registered owners of the relevant lots/occupier should be reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on-site. It was noted that the application site involved portions of lots. As it was his policy not to grant STW to portion of a lot, the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the application site was free of any structure. Should no STW/STT application be received/approved and any irregularities persist on-site, his Office would consider taking appropriate lease enforcement/control action against the registered owners/occupier according to the prevailing programme;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's (CE/MN, DSD) comments that the applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public stormwater drainage/public sewerage maintained by CE/MN, DSD was currently available for connection. The area was likely being served by some of the existing local village drain. The village drains were probably maintained by the District Officer/Yuen

Long. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost;

- (d) note the Chief Engineer/Project Management, Drainage Services Department's comments that as the drainage improvement works under "San Tin Western Main Drainage Channel" project was currently under the planning stage. It was likely that the project scheme would need to be further revised and larger extent of land in vicinity of the current project scheme might be required subject to consultation with relevant stakeholders including village representatives, green groups and other government departments;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) note the Director of Fire Services' comments that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations to his Department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (g) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. An emergency vehicular access should also be provided to comply with B(P)R 41D.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/362 Temporary Public Vehicle Park (Excluding Container Vehicle)
for a Period of 3 Years in "Green Belt" zone,
Lots 372 S.D RP (Part), 378, 379, 380, 382 (Part), 383 (Part),
385, 389 RP (Part) and 390 in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/362)

Presentation and Question Sessions

101. 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) temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments –no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and 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 for a period of three years based on the assessments given in paragraph 12 of the paper. Although the temporary public vehicle park was generally not in line with the planning intention of the “GB” zone, it could satisfy some of the local parking demand arising from the local villagers and travellers to the Mainland as the site was located near Lok Ma Chau Control Point. Besides, it was considered that approval of the application on a temporary basis would not frustrate the long- term planning intention of the subject “GB” zone as the applicant would be required to reinstate the site to an amenity area upon expiry of the planning permission. The temporary public car park on-site was considered not incompatible with the surrounding land uses which comprised mainly vehicle parks and unused land. The site was the subject of 4 previously approved applications and there was no significant change in planning circumstances to warrant a departure from the decisions.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repairing workshop and canteen were allowed on the site at any time during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the submission of the as-planted plan within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2009;
- (f) the submission of revised Drainage Impact Assessment (DIA) within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2009;
- (g) in relation to (f) above, the implementation of the flood mitigation measures and drainage facilities identified in the revised DIA within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;

- (h) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

104. The Committee also agreed to advise the applicant :

- (a) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (b) that shorter compliance periods had been imposed in order to monitor 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) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that the lots under application were Old Schedule

Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from his Office. Should planning approval be given, the applicant should be reminded to apply for Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and the irregularities persist on site, his Office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” issued by Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that no pond/land filling on-site should be allowed until the flood relief mitigation measures had been implemented to the satisfaction of the Board and approval of the DIA report and subsequent drainage design should be sought prior to the implementation of drainage works on-site. Peripheral channels should be provided around and within site boundary. The applicant should not disturb any of the existing drains and streams in its vicinity. No public stormwater drainage/sewerage maintained by his Office was currently available for connection. The area was likely served by some of the existing local village drains or road side drains, which were probably maintained by the District Officer/Yuen Long. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. The applicant should review his drainage proposal/works confining the development within the application site in order not to cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult

DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All proposed drainage facilities, if any, should be constructed, managed and maintained by the applicant at his own cost;

- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the applicant was encouraged to install a kerb or bollard at minimum distance of 1m around the tree trunks on-site in order to prevent damage to the tree trunks;
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comments that the access road leading from Castle Peak Road to the site was not under TD's management;
- (i) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Chau Tau; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. An emergency vehicular access

should also be provided to comply with B(P)R 41D.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Lee left the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/318 Temporary Open Storage of Private Cars and Light Goods Vehicles
for a Period of 3 Years in "Open Space" zone,
Lot 525 S.B in D.D. 109, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/318)

Presentation and Question Sessions

105. 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) temporary open storage of private cars and light goods vehicles for a period of 3 years;

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, in the vicinity of the site and environmental nuisance was expected. However, the site was not the subject of any environmental complaint in the past 3 years;

- (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 for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 3 areas under the TPB PG-No. 13E. The development was considered not incompatible with the surrounding areas which were mixed with open storage yards, workshop/warehouse and petrol filling station. Regarding DEP's concerns, given the nature of the development with direct access from Kam Tin Road without passing through any residential development and having regard to the small scale of development, the environmental nuisance generated on the surrounding areas would not be significant. DEP had not received any environmental complaint in the past three years. The concern could be addressed by imposing approval conditions. There was no known development programme for the subject "Open Space" ("O") site and hence the temporary nature of the development would not frustrate the planning intention of the "O" zone. Previous planning applications for similar uses were granted by the Committee.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (d) the landscape plantings on the application site should be maintained at all times during the planning approval period;
- (e) the implementation of the drainage facilities, as proposed by the applicant, within 6 months from the date of planning approval to satisfaction of the Director of Drainage Services or of the TPB by 13.9.2009;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2009;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009;
- (h) the submission of run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.6.2009;
- (i) in relation to (h) above, the implementation of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.9.2009;

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

107. 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 should the application be approved, the applicant should be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application;
- (c) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) that a shorter compliance period was granted so as to monitor the fulfilment of approval conditions;

- (e) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that Short Term Waiver (STW) No. 3200 was approved to Lot No. 525 S.B in D.D. 109 permitting structures for an ancillary use to open storage of private cars and goods vehicles with Built-over Area not exceeding 24m² and height not exceeding 5.18m. His office would continue processing the application for change of particulars of the STW should the application be approved. In addition, the entrance to the site opened to Kam Tin Road through a short stretch of Government Land. His office did not carry out maintenance works of the Government Land;
- (f) to note the Director of Leisure and Cultural Services' comments that advance notice (e.g. 6 months) without compensation would be given to resume the land when Yuen Long District Council would like to kick off the development programme;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 of H5115 and H5116 whichever set as appropriate to match the pavement type of the adjacent footpath;
- (i) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential

environmental nuisances;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with Building Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (k) to note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSI proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain fire service installations, justification should be given to his department for consideration. Detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans; and
- (l) to note the Director of Electrical and Mechanical Services' comments that there were shallow buried low voltage (380V) cable ducts in the vicinity of the application site based on the information provided by CLP Power Hong Kong Limited (CLPP). Prior to establishing any structure within the site, the applicant and his contractors should consult CLPP in respect of the safety clearances required for activities near the low voltage cable ducts. In the circumstance that the safety clearances of the concerned supply lines were insufficient or electrical danger might arise due to their proximity to the subject development, the

applicant and his contactors should liaise directly with CLPP to divert the concerned section of the cable ducts. 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.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/319 Proposed Residential Development with Commercial Facilities
and Government, Institution or Community Site
in “Undetermined” zone, Lot 2099 in D.D. 109 and
Adjoining Government Land, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/319)

Presentation and Question Sessions

108. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item as they had current business dealings with SHK. The Committee noted that Mr. Cheng had tendered apologies for being not able to attend the meeting. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap was allowed to stay in the meeting.

109. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Hyder Consulting Ltd., which was one of the consultants for the application. The Committee noted that Dr. Lau had tendered apologies for being not able to attend the meeting.

110. The Committee noted that the applicant requested on 27.2.2009 for a

deferment of the consideration of the application for two months to allow time for him to prepare further information required to address the comments of relevant government departments.

Deliberation Session

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/459 Temporary Vehicle Park for Concrete Mixer Trucks with
Ancillary Maintenance Workshop for a Period of 3 Years
in “Agriculture” zone, Lot 1008 RP (Part) in D.D. 113,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/459)

Presentation and Question Sessions

112. 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) temporary vehicle park for concrete mixer trucks with ancillary maintenance workshop for a period of 3 years;

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application since the agricultural life in the vicinity of the site was active and the site could be rehabilitated for agricultural purpose such as plant nursery. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) had some reservations on the application since temporary open storage or other similar use was not prevalent in the area and the proposed use was considered incompatible with the existing rural landscape and potential adverse impact on the landscape character of the area was also anticipated. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) objected to the application since vehicles exceeding 7m long should not be allowed to enter the site through Kam Ho Road as the design of Kam Ho Road was not suitable for use by vehicles exceeding 7m due to road safety concern. However, the length of concrete mixer trucks was over 7m. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located along the access road to the site and environmental nuisance was expected;
- (d) three public comments from the office of two Yuen Long District Councillors and one Yuen Long District Councillor and a village representative of Ho Pui Tsuen were received during the statutory publication period. All the commenters objected to or expressed concerns on the application on the grounds that Kam Ho Road which was a narrow and informal road and was not suitable for heavy vehicles (such as concrete mixer trucks) and the vehicular movement of concrete

mixer trucks or the proposed workshop would cause environmental and traffic impacts and nuisance to the local residents; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “AGR” zone. No strong justification had been given in the submission to justify for a departure from planning intention, even on a temporary basis. 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 insufficient information to demonstrate that the development would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. Most of the similar applications had been rejected by the Committee or the Board on review. 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.

113. Members had no question on the application.

Deliberation Session

114. 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 safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purpose. No strong justification had

been given in the submission to justify 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 development would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/460 Temporary Open Storage of Vehicles and Container Trailers/
Tractors Park Use for a Period of 3 Years
in “Agriculture” zone,
Lots 617 RP and 618 RP in D.D. 103, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/460)

Presentation and Question Sessions

115. 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) temporary open storage of vehicles and container trailers/tractors park use for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/dwellings located to the north and west of the site, and environmental nuisance was expected. However, the site was not the subject of any environmental complaint in the past 3 years;
- (d) one public comment was received from two Yuen Long District Councillors during the statutory publication period. They objected to the application as the site was located close to residential dwellings. He anticipated that the heavy vehicles of the development would generate noise and would bring nuisance to the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 3 areas under the TPB PG-No. 13E. Regarding DEP's concern, no environmental complaint had been received by DEP in the past three years. The development was considered not incompatible with the surrounding land uses which consisted of a mixture of open storage yards, workshop, etc.. The granting of temporary planning permission would not frustrate the long-term planning intention of the "AGR" zone on the OZP. To address the concern of the DEP, approval conditions restricting the operation hours and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were recommended. Regarding the public comments on the environmental nuisance, appropriate approval conditions would be imposed were recommended.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (d) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the traffic monitoring measures, as proposed by the applicant, should be implemented at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2009;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2009;

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

118. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) that shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) No. 2567 was approved to Lot No. 617 RP in D.D. 103 permitting structures for an office and

watchman shed ancillary to open storage of vehicles for sale/disposal and container trailer/tractor park with built over area not exceeding 51.19m² and height not exceeding 6m. His office reserved the right to take lease enforcement action under STW if there was any breach of the pertaining conditions. Besides, Modification of Tenancy (MOT) No. M6381 was issued for erection of some temporary structures over Lot No. 618 RP in D.D. 103 for agricultural purpose. Apparently these structures had been removed and his office would arrange to terminate the MOT as appropriate. In addition, the site was accessible by an unnamed road leading up to Au Tau Pumping station from Kam Tin Road, which ran through open government land without maintenance works to be carried out thereon by his office. His office would not guarantee such right-of-way;

- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the 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;
- (h) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that his department had planned to lay a 1400mm and a 1200mm diameter water mains along the existing waterworks reserve of the access road leading to Au Tau Water Treatment Works and in the vicinity of the subject Lots No. 617 RP and 618 RP to improve the water supply system. The laying of the water mains was scheduled to be carried out in the years 2009 to 2014. Hence, the applicant should take their own measures to cater for any disturbances and nuisance caused by the operation and maintenance of the water treatment works and the mainlaying works;

- (k) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration. Besides, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (l) to noted the Director of Electrical and Mechanical Services' comments that there were low voltage overhead lines in the vicinity of the site.

The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the low voltage overhead lines, the applicant and his contractors should liaise with CLP Power Hong Kong Limited to divert the existing low voltage overhead lines away from the vicinity of the proposed development.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/238 Temporary Recyclable Collection Centre
(Including Plastic Goods, Paper and Metal) for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 4912, 4913, 4914, 4915 S.A (Part), 4915 S.B (Part), 4916 S.A
and S.B (Part), 4917 RP (Part) and 4918 S.B RP (Part) in D.D. 116,
Lots 2147 S.A RP, 2147 S.B and 2148 (Part) in D.D. 119 and
Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/238)

Presentation and Question Sessions

119. 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) temporary recyclable collection centre (including plastic goods, paper and metal) for a period of 3 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application since there were many mature trees within the subject site but the submission had not provided any information on the presence of mature trees on-site. The applicant had not indicated how the existing trees would be preserved, and if any precautionary measures would be taken to avoid adverse impact on the existing trees;

- (d) four public comments were received during the statutory publication period. One of the comments was from the office of two Yuen Long District Councillors objecting to the application as the development was close to residential dwellings; the development would pose pollution and noise impacts on the surroundings; the existing facilities of the ex-Shung Ching School could better be used for community activities to serve the district instead. The other three comments were received from villagers of Shung Ching San Tsuen who objected to the application on the grounds that there were heavy goods vehicles accessing the site; the applied use was not compatible with the surroundings; and was against the planning intention of “R(D)” zone. In addition, some villagers also objected to the application as the ex-Shung Ching School site should be used for enhancing the well-being of villagers of Shung Ching San Tsuen, rather than for a profit making warehouse; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The site was located amidst a residential cluster and the proposed development was not in line with the planning intention of the “R(D)” zone. The development was not compatible with the residential dwellings and cultivated/fallow agricultural land in the vicinity of the site. One of the open shed structure on the site was proposed to be 10m in height which was substantial in scale and not compatible with the surroundings. There was insufficient information in the

submission to demonstrate that the development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

120. Members had no question on the application.

Deliberation Session

121. 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 “Residential (Group D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. As the aim was to phase out incompatible uses, the approval of the applied use, even on a temporary basis, was inappropriate;
- (b) the development was not compatible with the residential dwellings and cultivated/fallow agricultural land in the vicinity of the site. Residential dwellings were located immediately next to the site to the north and south, and across the Tai Tong Road to the northeast;
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for

similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Kwan left the meeting at this point.]

Agenda Item 36

Any Other Business

122. There being no other business, the meeting was closed at 4:45p.m..