

TOWN PLANNING BOARD

Minutes of 396th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 5.6.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Dr. James C.W. Lau

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 Yu

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor Edwin H.W. Chan

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 395th RNTPC Meeting held on 22.5.2009

[Open Meeting]

1. The draft minutes of the 395th RNTPC meeting held on 22.5.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of Draft Plans

2. The Secretary reported that on 2.6.2009, the Chief Executive in Council (CE in C) approved the following draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Ordinance and approval of the OZPs would be notified in the Gazette on 12.6.2009:
 - (i) Ma Wan OZP (to be renumbered as S/I-MWI/14); and
 - (ii) Tseung Kwan O OZP (to be renumbered as S/TKO/17).

Sai Kung and Islands District

Agenda Item 3

[Open Meeting]

Proposed Amendments to the
Approved Chek Lap Kok Outline Zoning Plan No. S/I-CLK/10
(RNTPC Paper No. 9/09)

3. The following representatives of Planning Department (PlanD) and Highways Department (HyD) were invited to the meeting at this point :

Mr. Alfred Y.K. Lau District Planning Officer/Sai Kung and Islands
(DPO/SKIs)

Miss Erica S.M. Wong Senior Town Planner/Sai Kung and Islands
(STP/SKIs)

Mr. Cheng Ting Ning Project Manager, HyD

Mr. Bok Kwok Ming Senior Engineer, HyD

4. The Secretary reported that the Mr. Edmund K.H. Leung had declared an interest in this item as he was a Member of the Hong Kong Airport Authority. Members noted that Mr. Leung had tendered an apology for being unable to attend the meeting.

5. The Secretary also reported that a replacement page (p.7) for Appendix IV of the Paper was tabled at the meeting for Members' reference.

6. The Chairperson also reported that three letters from World Wide Fund, Hong Kong, Association for Geoconservation, Hong Kong and Save Our Shorelines to the Town Planning Board raising objection to rezone the "Coastal Protection Area" at the eastern part of the airport island for section of the Hong Kong Link Road (HKLR) were received on 4.6.2009 and 5.6.2009 respectively. A copy of the letters were tabled at the meeting for

Members' reference.

[Mr. Y.M. Lee and Ms. Maggie M.K. Chan arrived to join the meeting at this point]

Presentation and Question Sessions

7. With the aid of a Powerpoint presentation, Miss Erica S.M. Wong, STP/SKIs, presented the proposed amendments and covered the following aspects as detailed in the Paper :

Background

(a) on 20.3.2009, the Highways Department (HyD) briefed the Board on the proposed Hong Kong Zhuhai Macao Bridge (HZMB), Hong Kong Link Road (HKLR), Hong Kong Boundary Crossing Facilities (HKBCF) and Tuen Mun to Chek Lap Kok Link (TM-CLKL). The HZMB Main Bridge (Main Bridge) would be about 30km in length. The western end of Main Bridge was at an artificial island off Gongbei while the eastern end was at an artificial island near the HKSAR boundary off Lantau. Following the agreement among Hong Kong, Guangdong Province and Macao Governments on boundary crossing facilities, there was a need to construct boundary crossing facilities within the Hong Kong territory. The project steering group of the site selection study for the HKBCF commissioned by HyD recommended that the preferred location of the HKBCF should be a reclaimed area located at the north-east waters off the Hong Kong International Airport (HKIA). The distance from the HKBCF to the closest private residential development along Tung Chung shoreline was about 2km (being about the distance between Central and Jordan). In connection with the proposed HZMB, the following developments were proposed within Hong Kong territory:

(i) HKBCF

the main purpose of the HKBCF was to provide facilities for

cross-boundary cargo processing and passenger clearance. Accommodations and other facilities for frontline departments and other supporting facilities would also be provided. Based on the operational requirements of concerned Government departments, the HKBCF would occupy an area of about 130ha. HyD's consultants were presently liaising with concerned Government departments to further develop the layout and locations of various facilities at the HKBCF. These facilities would be so arranged as to achieve proper and smooth operation of the clearance procedures and traffic movements. The selection of HKBCF at the north eastern part of the HKIA had considerable synergy effect. At a regional level, it enabled the formation of a strategic road network linking Hong Kong, Zhuhai, Macao and Shenzhen, thereby further enhancing the transportation and aviation hub status of Hong Kong. With its proximity to the HKIA, HKBCF would serve as a strategic multi-modal transportation hub;

(ii) HKLR

the HKLR connected the HZMB Main Bridge at the HKSAR boundary with the proposed HKBCF. It was a dual 3-lane carriageway of about 12km in length comprising (i) a sea viaduct from the HKSAR boundary to the landing point on the airport island near South Perimeter Road and a land viaduct from the landing point on the airport island to Scenic Hill (about 9.4km in total length); (ii) a tunnel (about 1km in length) at Scenic Hill; and (iii) an at-grade road (about 1.6km in length) at the eastern coast of the airport island to the HKBCF;

(iii) TM-CLKL

the TM-CLKL was a dual 2-lane carriageway in the form of a bridge-cum-tunnel structure comprising about 5km undersea tunnel and 4km viaduct from Tuen Mun Pillar Point to North Lantau and

HKIA via the proposed HKBCF. Its purpose was to form a new strategic corridor between North West New Territories and Lantau Island to relieve future congestion on the Lantau Link. It also served as an alternative direct link between Tuen Mun and the HKIA;

- (b) on 28.3.2009, the Secretary for Development, under the delegated authority of the Chief Executive, directed the Board under section 3(1)(a) of the Ordinance to extend the planning scheme boundary of the Chek Lap Kok OZP to cover the proposed reclamation areas for the HZMB, HKBCF, HKLR and TM-CLKL (Southern Landfall). On 17.4.2009, the Islands District Council (IDC) was consulted. Most of the IDC Members supported the implementation of the projects with the HKBCF at the proposed location at the waters off the north-east of the airport island. Also, the Panel on Transport of the Legislative Council on 24.4.2009 supported the funding application for the HKBCF detailed design and associated site investigation and the funding application was approved by the Finance Committee on 22.5.2009. It was targeted that the project could start commencement by mid 2010; and
- (c) the HKLR, HKBCF and TM-CLKL were designated projects under Schedule 2 of the Environmental Impact Assessment (EIA) Ordinance and EIA studies had been completed substantially. The EIA Reports would be submitted under the EIA Ordinance. Based on the latest information, the Environmental Protection Department considered that the project, with suitable application of mitigation measures, was unlikely to cause insurmountable environmental impacts to the surrounding;

[Mr. Rock C.N. Chan arrived to join the meeting at this point]

Building Height

- (d) the area surrounding Chek Lap Kok was subject to Airport Height Restriction (AHR). For the reclaimed area at HKBCF, the AHR increased

eastwards from 20mPD to 50mPD;

- (e) with the growing community concern on the overall built environment, the stipulation of building height restrictions on the OZP was considered a more effective measure to regulate the development height profile of the built-environment. The planning intention would be shown more clearly, more transparent and open to public scrutiny and all stakeholders and affected persons had the chance to express their views on the building height profile; and
- (f) the proposed building height profile for HKBCF, HKLR and TM-CLKL was as follows:

HKBCF

- (i) the proposed building height restriction for the HKBCF ranged from 20mPD to 45mPD to cater the major facilities for cross boundary activities and related infrastructures ;

HKLR and Sea Rescue Station

- (ii) the proposed building height restriction ranged from 1-2 storeys to cater for the Sea Rescue Station and highway maintenance structures; and

TM-CLKL

- (iii) the proposed building height restriction for TM-CLKL ranged from 25mPD to 30mPD to cater for a satellite control building and a ventilation building;

Proposed amendments to Matters shown on the OZP

- (g) the proposed HKBCF, HKLR and TM-CLKL would involve a new

reclamation area of about 172ha extending beyond the current planning scheme boundary of the Chek Lap Kok OZP. New zonings were incorporated in the OZP to reflect the planned developments at HKBCF, HKLR and TM-CLKL as detailed in paragraph 7 of the Paper :

HKBCF (Amendment Items A-1 and A-2)

- (i) in order to accommodate the planned facilities at the new reclaimed area of the HKBCF, part of the proposed reclamation area was zoned as “Other Specified Uses” (“OU”) annotated “Boundary Crossing Facilities” (“OU(Boundary Crossing Facilities)”) with heights ranging from 20mPD to 45mPD as stipulated on the Plan; and
- (ii) a site zoned as “OU” annotated “Sea Rescue Station” (“OU(Sea Rescue Station)”) with a maximum building height of 1 storey for reprovisioning the Fire Services Department Sea Rescue Facilities currently located to the north of the Skypier;

HKLR (Amendment Items A-3, A-6 and A-7)

- (i) the backup area for the operation and maintenance of the HKLR would be zoned as “OU” annotated “Highways Maintenance Area” (“OU(Maintenance Area)”) with a maximum building height of 2 storeys;
- (ii) roadside amenity areas and landscape which buffered the Dragonair Tower and CNAC Tower and the proposed carriageway from HKBCF to the airport island and the HKLR would be zoned as “OU” annotated “Amenity Area” (“OU(Amenity Area)”); and
- (iii) proposed HKLR at the eastern coast of the airport island would be shown as ‘Road’ on the Plan;

TM-CLKL (Amendment Items A-4, A-5 and A-8)

- (i) the planned south ventilation building of the TM-CLKL would be zoned as “OU” annotated “Ventilation Building” (“OU(Ventilation Building)”) subject to a maximum building height of 30mPD;
- (ii) the planned satellite control building of the TM-CLKL would be zoned as “OU” annotated “Satellite Control Building” (“OU(Satellite Control Building)”) subject to a maximum building height of 25mPD; and
- (iii) the proposed Southern Landfall of the TM-CLKL adjoining the eastern side of the proposed reclamation area for HKBCF and would be shown as ‘Road’ on the Plan;

Rezoning Proposals (Amendment Items B-1, B-2, B-3 and C)

- (h) consequential rezoning was required at the eastern coast of the airport island :
 - (i) rezoning two strips of land along the eastern coast of the airport island from “Coastal Protection Area” (“CPA”) to “OU(Highways Maintenance Area)” (with a building height restriction of 2 storeys) and area shown as ‘Road’. These were to reflect the intended use of the area as backup area for the operation and maintenance of the HKLR and the associated road works connecting HKBCF and the airport island;
 - (ii) rezoning a strip of area along the eastern coast of the airport island from “Coastal Protection Area” (“CPA”) to “OU(Amenity Area)” to reflect the intended use of the reclamation land as roadside amenity areas and landscape buffers between the Dragonair Tower and CNAC Tower and the proposed carriageway from HKBCF to the airport island and the HKLR; and

- (iii) a small piece of land adjoining the eastern coast of the airport island was rezoned from “Commercial” (“C”) to area shown as ‘Road’ to reflect the area required for the proposed HKLR;

Proposed Amendments to the Notes and Explanatory Statement (ES) of the OZP

- (i) amendments to the Notes and Explanatory Statement of the OZP as detailed in Appendix III and Appendix IV of the Paper respectively were proposed to reflect the above proposed amendments; and

Further Consultation

- (j) upon the gazetting of the proposed amendments to the Chek Lap Kok OZP, reclamation for proposed HKBCF would be gazetted in accordance with the provisions of the Foreshore and Seabed(Reclamations) Ordinance, Cap. 127. The Islands District Council would be consulted on the proposed amendments during the exhibition period of the draft OZP under section 5 of the Town Planning Ordinance.

8. In response to the letters submitted by World Wide Fund, Hong Kong, Association for Geoconservation, Hong Kong and Save Our Shorelines, Miss Erica S.M. Wong showed the Committee some pictures (in the form of Powerpoint) of the current conditions of “Coastal Protection Area” (“CPA”) at the eastern coast of the airport island. She said that the area was covered with gravels and grasses not unique to the area.

9. Regarding the green groups’ request to preserving the “CPA” of the airport island, Mr. T.N. Cheng explained that three alternatives had been considered in working out the alignment of the HKLR:

- (a) Option 1: the alignment of HKLR ran underneath the airport island via a tunnel. It was not feasible as it would adversely affect the runways and the Aviation Fuel Tank Farm of the airport;
- (b) Option 2: the alignment of HKLR ran parallel to the existing runway along

the northern side of the airport island. The alignment would involve a 7-km tunnel and an estimated increase in construction cost of HK\$13 billion would be incurred. It would result in about 3km-4km detour and hence lead to increased fuel and energy consumption and with increased exhausted gas emission from vehicles which was not environmentally sustainable. This option would pose undesirable constraint and threat to the future development and operation of the third runway for the HKIA; and

- (c) Option 3: an alignment involving a 10-km tunnel passing through the Lantau hillside next to Sha Lo Wan. Apart from the high construction cost, this option was even more unsustainable in environmental terms. Having considered all the constraints, the preferred alignment option, i.e. a viaduct option passed through the Airport Channel, ran underneath the Scenic Hill by a tunnel and connected to the HKBCF to the east of the airport island, was considered direct and feasible. However, this original preferred option of viaduct-cum-tunnel design of the HKLR aroused concerns of the Tung Chung residents on visual and environmental grounds. After striking a balance, the viaduct-cum-tunnel option had been changed to the current tunnel-cum-at-grade road scheme. Under the current scheme, there was still part of the natural shoreline preserved at the Scenic Hill on the airport island.

10. In view of the concerns raised by the green groups, a Member enquired whether HyD had made any effort in communicating with the green groups on the design of the latest alignment of HKLR. Mr. T.N. Cheng responded that they had some discussions with the green groups on the HKLR alignment in the past. However, further and detailed discussion on the alignment of HKLR and the “Coastal Protection Area” would be conducted with the green groups after consultation with the Committee.

11. In response to another Member’s enquiry, Mr. Cheng responded that the alignment of the HKLR mentioned in WWF, Hong Kong’s letter was the same as the one objected to by the Tung Chung residents.

12. In response to the enquiry by the Vice-chairman, Mr. T.N.Cheng said that the

HKLR alignment at the northeast of the Scenic Hill would be a multi-span viaduct of about 20m above the sea level. The Chairperson enquired whether the proposed HKLR alignment could be adjusted to preserve part of the “Coastal Protection Area” zone. Mr. Cheng responded that if the proposed road and operation and maintenance area were constructed on a reclaimed land off the “Coastal Protection Area”, this would form an artificial lake which would adversely affect the water quality.

13. In response to a Member’s enquiry, Mr. Cheng pointed out that the design of the latest configuration of the HKBCF had already taken into account the main water flows off the Brothers Islands. The hydrological assessment reviewed that such configuration would not cause any effects to the main water flow and water quality off the coast of the Tung Chung Town Centre.

14. As there were no more questions raised, the Chairperson asked whether Members agreed to the proposals in the Paper. Members considered that the proposed alignment of the HKLR was the best available option and agreed to the proposals in the Paper.

15. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Chek Lap Kok OZP No. S/I-CLK/10 and that the draft Chek Lap Kok OZP No. S/I-CLK/10B at Appendix II (to be renumbered to S/I-CLK/11) and its Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Chek Lap Kok OZP No. S/I-CLK/10B (to be renumbered to S/I-CLK/11 upon exhibition) as an expression of the planning intention and objectives of the Board for various land use zones on the Plan and to be issued under the name of the Board; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Chek Lap Kok OZP No. S/I-CLK/10B (to be renumbered to S/I-CLK/11 upon exhibition) and issued under the name of the Board.

[The Chairperson thanked the representatives of HyD and PlanD for attending the meeting. They all left the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/16 Proposed Public Utility Installation (Electricity Package Transformer)
 in “Residential (Group D)” zone,
 Government Land near Pak Ngan Heung Village,
 Mui Wo, Lantau
 (RNTPC Paper No. A/I-MWF/16)

Presentation and Question Sessions

16. Mr. C.T. Lau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer);
- (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 (Islands), Home Affairs Department (DO(Is), HAD);
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed electricity package transformer was an essential public utility facility to provide electricity supply to the existing and future village house

developments in the area. It was small in scale. It was about 50m away from the nearest village house and was distant from the main village core of Pak Ngan Heung. It was unlikely that the proposed development would cause any significant adverse impacts on the surrounding area. The technical concerns on the visual impact could be addressed by approval conditions recommended in paragraphs 11.2(a) and (b) of the Paper.

17. Members had no question on the application.

Deliberation Session

18. 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 5.6.2013, 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 submission of façade design, colour scheme and finishing materials of the proposed development to mitigate the visual impact on the surrounding area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the District Lands Officer/Islands, Lands Department's comment that the applicant should be advised to submit application for short term tenancy for the proposed use;
- (b) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the access road fronting the site was an emergency vehicular access which had been designed for exclusive use by emergency vehicles. The applicant should observe that there was no

vehicular access serving the proposed site;

- (c) to note the Director of Electrical and Mechanical Services' comment that the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) should be observed by the applicant and his contractors when carrying out any works in the vicinity of the electricity supply lines; and
- (d) to note the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department's comment that all building works were subject to compliance with Buildings Ordinance and authorized person had to be appointed to coordinate all building works.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/93	Proposed Public Utility Installation (Telecommunications Radio Base Station) in "Coastal Protection Area" zone, Cheung Sha Beach Changing Room, Upper Cheung Sha Beach, Lantau Island (RNTPC Paper No. A/SLC/93)
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Presentation and Question Sessions

20. Mr. C.T. Lau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications radio base

station);

- (c) departmental comments – Director-General of the Office of the Telecommunications Authority (DG, OFTA) supported the application as the proposed installation was in line with the government policy to promote the rollout of ubiquitous wireless telecommunication networks so as to facilitate the development of Hong Kong into a leading wireless city;
- (d) during the statutory publication period, seven public comments were received raising objections to the application on the grounds that the radiation of the proposal would cause adverse effects to their health; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Although the proposed use was not entirely in line with the planning intention of the “CPA” zone, it was an essential telecommunication facility for enhancing the mobile phone coverage in the area. The development was far away from the villages and residential areas of Lantau Island. The proposed development was not considered inappropriate at the subject site. The proposed development was small in scale and was located at the roof of an existing beach building. No clearance of vegetations would be involved in the proposed development. Concerned departments had no adverse comments on the application. The DG of OFTA supported the application. The Director of Health also advised that according to the World Health Organization that there was at present no convincing evidence to show that low level radio frequency signals from radio base stations cause adverse health effects to humans if the operation of the proposed base station met the relevant sets of exposure limits recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

21. Noting that seven public comments were received, a Member asked if relevant departments had explained to the local people on the necessity of installing the telecommunications radio base station at the application site and to address their concerns on

health risks. Mr. Lau said that they had yet not met the locals to explain that the radiation of the proposal would not cause adverse effects to their health.

Deliberation Session

22. The Chairperson remarked that PlanD should liaise with OFTA to explain and to the locals that the proposed public utility installations would not cause any health risks to them.

23. 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 5.6.2013, 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 the submission of the design and colour scheme of the proposed development including the proposed measures to mitigate the visual impact on the surrounding area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the District Lands Officer/Islands' comments that amendments to the existing Engineering Conditions of the Government Land Allocation governing the subject site would be required to facilitate the implementation of the proposed works;
- (b) to note the Director-General of the Office of Telecommunications Authority and the Director of Health's comments that all operators were required to comply with the "Code of Practice for the Protection of Workers and Members of Public Against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment" and submit reports to show that the level of non-ionizing radiation generated by their telecom radio base stations complied with the limits recommended by the International Commission on Non-Ionizing Radiation Protection for the protection of the occupational personnel and the general public;

- (c) to note the Director of Architectural Services' comments that architectural technical proposal should be submitted for comment and approval prior to commencement of site works; and
- (d) to note the Director of Leisure and Cultural Services' comments that the installation works of the proposal should not be conducted in the swimming season, i.e. 1 April to 31 October.

Agenda Items 6, 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/94 Proposed House (New Territories Exempted House)
in "Green Belt" zone,
Lot 15 RP in D.D. 336,
Ham Tin,
Lantau Island
(RNTPC Paper No. A/SLC/94)

A/SLC/95 Proposed House (New Territories Exempted House)
in "Green Belt" zone,
Lot 15 S.A in D.D. 336,
Ham Tin,
Lantau Island
(RNTPC Paper No. A/SLC/95)

A/SLC/96 Proposed House (New Territories Exempted House)
in "Green Belt" zone,
Lot 20 in D.D. 336,
Ham Tin,
Lantau Island
(RNTPC Paper No. A/SLC/96)

25. Noting that the three applications were similar in nature and the application sites were close to each other and within the same “Green Belt” zone, Members agreed that the applications could be considered together.

26. The Secretary reported that Professor David Dudgeon had declared an interest in this item as he was a Trustee of the World Wide Fund, Hong Kong (WWF Hong Kong) who had submitted comments on the applications. Members noted that Professor Dudgeon had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

27. Mr. C.T. Lau, STP/SKIs, presented the three applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House) (NTEH) at each of the application sites;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT, TD) had reservation on the applications as the proposed developments would set undesirable precedent cases for other similar developments in the future and the cumulative adverse traffic impacts of approving such developments might be substantial;
- (d) during the statutory publication period, four public comments were received against the three applications. World Wide Fund (WWF) Hong Kong and Green Lantau Association (GLA) raising objections to the applications mainly on the issues of development intensity, sewerage and landscape whilst the other two commenters supported the three applications. No local objection was received by the District Officer (Islands), Home Affairs Department (DO(Is), HAD); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

applications based on the assessment made in paragraph 12 of the Papers. The proposals were for in-situ redevelopments. The proposed redevelopments were considered to be in line with TPB Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") Zone' and complied with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories'. The Committee had previously approved similar applications in the vicinity of the application sites. The Assistant Commissioner for Transport/New Territories of Transport Department (AC for T/NT, TD) had reservation on the applications. Since there would be no car parking facility for the proposed developments, the traffic associated with the proposed developments was anticipated to be insignificant. As for the local concerns on the development intensity, sewerage and landscape issues of the proposed developments, concerned departments had no adverse comments on the applications.

28. Members had no question on the applications.

Deliberation Session

29. The Chairperson said that the subject sites had building status and the applications were in line with the TPB Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") Zone' and complied with the 'Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories'.

30. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.6.2013, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

- (a) the submission and implementation of a Landscape Proposal including a Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB; and

- (b) the design and provision of drainage and sewage disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB.

31. The Committee also agreed to advise the applicant of Application No. A/SLC/94 that:

- (a) to note the Chief Engineer/Development (2), Water Supplies Department's comments :

- (i) the water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (ii) for provision of water supply to the development, extension of the inside services to the nearest suitable Government water mains for connection might be needed; and
- (iii) to resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to his satisfaction;

- (b) to note the Director of Electrical and Mechanical Services' comments :

- (i) to approach the electricity supplier for the requisition of the cable plans to find out whether there was any underground cable (and/or overheadline) within or in the vicinity of the application site; and
- (ii) to take appropriate measures and follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

32. The Committee also agreed to advise the applicants of Applications No. A/SLC/95 and A/SLC/96 that :

- (a) to note the Chief Engineer/Development (2), Water Supplies Department's comments :
 - (i) the water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
 - (ii) for provision of water supply to the development, extension of the inside services to the nearest suitable Government water mains for connection might be needed; and
 - (iii) to resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to his satisfaction;

- (b) to note the Director of Electrical and Mechanical Services' comments :
 - (i) to approach the electricity supplier for the requisition of the cable plans to find out whether there was any underground cable (and/or overheadline) within or in the vicinity of the application site;
 - (ii) to take appropriate measures and follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines; and

- (c) to note the Head of the Geotechnical Office, Civil Engineering and Development Department's comments that there was a man-made slope to the northwest of the subject lot, which might affect or be affected by the proposed development. Site formation submission under the provisions of the Buildings Ordinance might be required.

[The Chairperson thanked Mr. C.T. Lau, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Lau left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/NE-TK/5

Application for Amendment to the
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14
at the Time of Submission of the Application
from “Agriculture” to “Other Specified Uses” annotated
“Resort Hotel cum Other Recreational Facilities”,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok,
Tai Po
(RNTPC Paper No. Y/NE-TK/5)

33. The Committee noted that on 1.6.2009, the applicant requested the Committee to defer consideration of the application in order to allow a further period of two months for preparation of supplementary information to address the latest round of departmental comments.

34. 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 three 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 10

Section 12A Application

[Open Meeting]

Y/TP/10

Application for Amendment to the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15 and
Approved Tai Po Outline Zoning Plan No. S/TP/21
from “Green Belt” (“GB”), “Conservation Area”, “Government,
Institution or Community” (“G/IC”) and “Village Type Development”
 (“V”) to “GB”, “G/IC”, “Government, Institution or Community(1)”
 (“G/IC(1)”), “V” and “Other Specified Uses” annotated “Comprehensive
Development and Conservation Enhancement Area” (“OU(CDCEA)”) and
Addition to New Sets of Notes for the Proposed “OU(CDCEA)” and
“G/IC(1)” zones,
Various Lots in D.D. 23 and 26,
Shuen Wan,
Tai Po
(RNTPC Paper No. Y/TP/10)

35. The Committee noted that on 27.5.2009, the applicant requested the Committee to defer consideration of the application by three months in order to allow more time for the applicant to prepare an update tree survey report and revised traffic impact assessment to address the comments from Government departments.

36. 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 three 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/62 Temporary Private Car Park (Private Car and Light Goods Vehicle)
for a Period of 3 Years
in “Village Type Development” and an area shown as ‘Road’ zones,
Lots 911 (Part), 912 (Part) and 931 S.B RP (Part) in D.D. 165
and Adjoining Government Land,
Tseng Tau Village,
Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/62)

Presentation and Question Sessions

37. Ms. Stephanie P.H. Lai, STP/STN, informed the meeting that two replacement pages (p.8 and p.9) of the Paper were tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private car park (private car and light goods vehicle) for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had received no small house application at the application site. The Assistant Commissioner for Transport/New Territories (AC for T/NT, TD) had reservation on the application as the proposed private car park would set an undesirable precedent for other similar developments in the future and the cumulative adverse traffic impact of approving such application could be substantial;
- (d) no public comment was received during the statutory publication period and the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD)

advised that the Sai Kung North Rural Committee and the Resident Representatives (RR) of Tseng Tau Village supported the planning application; 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 assessment made in paragraph 11 of the Paper. The temporary use of private car park was considered not incompatible with the surrounding land uses and the village character of the areas. Having a car park in this location might alleviate the problem of illegal parking infiltrating the village area. Although the application site fell within the “Village Type Development” (“V”) zone which was primarily intended for development of Small Houses by indigenous villagers, the applicant undertook to return the land to the land owners when the land was required for Small House development. The temporary use of private car park under application would not frustrate the planning intention of “V” zone and was unlikely to have significant adverse environmental or drainage impacts on the surrounding areas.

38. Members had no question on the application.

Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles other than private cars and light goods vehicles were allowed to be parked within the application site;
- (b) no vehicle repairing, car washing/fuelling, vehicle dismantling and workshop activities should be permitted within the site during the planning approval period;

- (c) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (d) in relation to (c) above, the implementation of the landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2010;
- (e) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (f) in relation to (e) above, the implementation of the drainage proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2010;
- (g) the submission of fire fighting access proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (h) in relation to (g) above, the provision of fire fighting access within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2010;
- (i) if any of the above planning conditions (a) or (b) 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;
- (j) if any of the above planning conditions (c), (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 be revoked on the same date 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.

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

- (a) the applicant should resolve any land issues relating to the development with the concerned owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the applicant should apply to District Lands Officer/Tai Po for a short term waiver in case any structure would be constructed as office;
- (d) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drain available for connection in the area. The temporary private car park 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;
- (e) the applicant should note that the site was in an area where no public sewerage connection was available;
- (f) the applicant was advised to plant trees and shrubs around the site as green screen for minimization of conflicts between the car park and the existing village houses in proximity;
- (g) the applicant should approach the electricity supplier for the requisition of

cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;

- (h) prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (i) prior to establishing any structure within the application site, the applicant and his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (j) 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.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/93 Temporary Open Storage of Construction Materials and Equipment
for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses”
and “Green Belt” zones,
Lot 188 (Part) in D.D. 52 and adjoining Government Land in Fu Tei Au,
Sheung Shui
(RNTPC Paper No. A/NE-FTA/93)

Presentation and Question Sessions

41. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT, TD) had reservation on the application as the access road leading to the application site was a sub-standard village track with width less than 4m and without footpath. The access road was not suitable for large vehicle and container trailer/tractor. Director of Environmental Protection (DEP) did not support the application as there was a domestic structure in the vicinity of the application site;
- (d) during the statutory publication period, a public comment indicating ‘no comment’ was received. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Sheung Shui District Rural Committee and the concerned North District Council Member had been consulted and had no comment on the application. However, the village representatives of Wa Shan Village raised an objection to the application on the grounds that the development under application might have adverse environmental impacts to the surrounding area and it might cause fire hazard to 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 for the reasons detailed in paragraph 12 of the Paper. The development was generally in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses”. The development under application was not incompatible with the surrounding land uses. The use under application was the same as that for the previously approved planning application at the site. There was no change in planning circumstances since the previous approval. Although the planning permission of the previous application

was revoked, the applicant had demonstrated genuine efforts in compliance with approval conditions on submission of proposals for vehicular access, car parking and loading/unloading, drainage proposals and landscape proposals which were accepted by relevant departments. According to the applicant, he failed to implement some of the approval conditions mainly because of some land disputes which were not under his control. Regarding AC for T/NT, TD and DEP's concerns, relevant approval conditions had been included in the planning approval. The local concern on fire hazards of the use under application could be addressed by incorporating an approval condition requiring the applicant to provide fire-fighting access, fire service installations and water supplies.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the use of medium and heavy goods vehicles for transportation of goods to/from the application site was not allowed during the planning approval period;
- (d) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;

- (f) in relation to (e) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (g) the submission of proposals for vehicular access, car parking and loading/unloading spaces within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.9.2009;
- (h) in relation to (g) above, the provision of vehicular access, car parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.12.2009;
- (i) the submission of proposals for firefighting access, fire service installations and water supplies within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;
- (j) in relation to (i) above, the provision of firefighting access, fire service installations and water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (k) the submission of landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (l) in relation to (k) above, the implementation of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;

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

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) approval would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver and a Short Term Tenancy for regularization of the structures erected on the subject lot and occupation of Government land respectively;
- (e) 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;

- (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) use of containers as site office or store was considered as temporary buildings and was subject to control under the B(P)Rs Part VII and an emergency vehicular access should be provided under B(P)R 41D unless exempted;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comment :
- for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards;
- (g) 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; and
 - (h) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals :
 - (i) sufficient emergency lighting should be provided throughout the

entire building in accordance with BS 5266: Part 1 and BS EN 1838;

- (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and Fire Services Department (FSD) Circular Letter 5/2008;
- (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
- (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans; and
- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/135 Temporary Open Storage of Ironmongeries, Scrap Metal,
Building Materials, Wastes, Miscellaneous Items
and a Movable Container for a Period of 3 Years
in “Agriculture” zone,
Lot 542 S.A RP (Part) in D.D. 92,
Kwu Tung North
(RNTPC Paper No. A/NE-KTN/135)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of ironmongeries, scrap metal, building materials, wastes, miscellaneous items and a movable container for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favor of the application as there were active agricultural activities in the vicinity of the application site and the site had high potential for agricultural rehabilitation;
- (d) during the statutory publication period, two public comments were received. While one of them indicated “no comment”, the other objected to the application as the drainage discharge from the open storage under application would affect nearby agricultural land, the environment and ecology of the area; that the traffic to be generated from the application site would cause traffic congestion in the area; and the application would set an undesirable precedent for similar development in the area. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the concerned North District Council Member and a Village Representative (VR) of Yin Kong Village had no comment on the application. The Chairman of Sheung Shui District Rural Committee and another VR of Yin Kong Village had raised an objection to the application on the ground similar to those of the commenter raising objection; and
- (e) the Planning Department (PlanD)’s views – PlanD considered the temporary use could be tolerated for a period of three years based on the

assessment made in paragraph 11 of the Paper. The application site was part of an application for warehouses approved on a permanent basis. The development under application was not incompatible with the surrounding land uses. Although DAFC was not in favour of the application as there were active agricultural activities in the vicinity of the application site and the area had high potential for agricultural rehabilitation, it should be noted that the application site had already been formed under previously approved schemes and could be used for vehicle parking and loading/unloading. Although there was public concern on potential traffic impact on the Castle Peak Road-Kwu Tung Section. Transport Department had raised no objection to the application. Regarding the DEP's concern and local concern on drainage and environmental grounds, the applicant would be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' and approval conditions relating to maintenance of drainage facilities; to restrict the operation hour and stacking height restrictions of the stored materials would be imposed to address the concerns.

46. A Member asked about the location of active agricultural land as mentioned in DAFC's comments. Referring to Plan A-3 of the Paper, Ms. Lai said that there were still active agricultural land to the east of the application site.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;

- (c) the stacking height of the materials stored within five metres of the periphery of the application site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing drainage facilities on the application site should be properly maintained during the approval period;
- (e) the emergency vehicular access leading to the warehouses adjacent to the application site under the previously approved application No. DPA/NE-KTN/7 should be kept clear of stored materials during the approval period;
- (f) the submission of proposals for fire service installations and water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (g) in relation to (f) above, the provision of fire service installations and water supplies within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2010;
- (h) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (i) in relation to (h) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals :
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and Fire Services Department (FSD) Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;
 - (v) portable hand-operated approved appliances should be provided as

required by occupancy and should be clearly indicated on plans; and

- (vi) for those structures over 230m², sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans;
- (c) 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;
 - (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;
 - (iv) use of containers as site office or store was considered as temporary buildings and was subject to control under the B(P)R Part VII; 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/392 Proposed Public Vehicle Park for Private Cars and Lorries
and Open Storage of Building Materials for a Period of 3 Years
in “Green Belt” and “Agriculture” zones,
Lot 1827 s.B RP (Part) in D.D.76,
Ma Mei Ha Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/392)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public vehicle park for private cars and lorries and open storage of building materials 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 site and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as there were active agricultural activities in the vicinity of the application site and the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape point of view. Approval of the application would encourage similar applications into the area, further deteriorating the existing landscape quality and undermining the intactness of the “Green Belt” (“GB”) and “Agriculture” (“AGR”) zones. The Assistant for

Commissioner/New Territories, Transport Department (AC for T/NT, TD) also had reservation on the application as the road leading to the subject site was a substandard village track and was too narrow to accommodate two-way traffic of medium or heavy goods vehicles;

- (d) during the statutory publication period, fourteen public comments were received. While one of them indicated ‘no comment’ on the application, all the others raised objections on the grounds that the proposed development was not compatible with the planning intention of the “GB” zone and would cause adverse traffic, environmental and drainage impacts on the surrounding areas. In addition, the traffic impacts were significant as the vehicular access to the application site was a single way village road for two-way traffic, which could not accommodate a large vehicular flow. The District Officer/North, Home Affairs Department (DO/N, HAD) advised that the representatives of all residents of a residential development in Leng Tsui objected to the application and Indigenous Inhabitants Representative (IIR) of Leng Tsui objected to the application on grounds of traffic safety noise nuisance, fire and hygiene problems. The DO/N, HAD also advised that the Chairman of the Fanling District Rural Committee, Resident Representative (RR) and IIR of Ma Mei Ha Tsuen and RR of Leng Tsui had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intentions of the “Green Belt” (GB) and “Agriculture” (AGR) zones. DAFC and DEP did not support the application from an agricultural development and environmental point of view. The proposed development was considered not compatible with the surrounding environment which was green and placid. The site was originally green and natural with a number of existing trees. However, nearly all the greenery had been removed resulting in significant disturbances to the existing landscape character. The approval of the application would set an undesirable precedent for other similar applications within “GB” and “AGR” zones. The

cumulative impact of approving such similar application would result in adverse environmental and landscape impacts on the area. The applicant proposed to use about 27.2% of the application site for open storage of building materials. According to TPB PG-No. 13E on 'Application for Open Storage and Port Back-up Uses', the application site mainly fell within Category 4 areas where application for open storage use would normally be rejected. The application did not comply with the TPB PG-No. 13E. There was no previous approval granted to the application site and there were also adverse departmental comments and local objections against the application.

50. A Member noted that the "Green Belt" ("GB") zone had diminished over the years and enquired if there had been any enforcement actions taken to preserve the "GB". Ms. Stephanie P.H. Lai explained that the subject site was subject to planning enforcement action for unauthorized storage use. Enforcement Notice was issued to the concerned landowners on 3.11.2008. There were also enforcement actions taken in the vicinity to stop proliferation of unauthorized developments. The warehouse to the north of the site was an existing use and was not subject to enforcement actions. Ms. Lai further explained that according to the site inspection undertaken upon expiry of the Enforcement Notice, the unauthorized development on the application site had largely been discontinued.

51. The Chairperson remarked that as the application site was within the "GB" zone, the Planning Authority should consider requiring the landowner to reinstate the application site should the application be rejected.

Deliberation Session

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

- (a) the application site fell within an area mainly zoned "Green Belt" ("GB") on the approved Outline Zoning Plan. The proposed development was not in line with the planning intentions of the "GB" zone which was to define the limits of urban and sub-urban development areas by natural features

and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. In addition, the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was 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 and other agricultural purposes. The submission was not justifiable for a departure from the planning intentions, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that there was no exceptional circumstances in the submission to warrant approval of the application. There was no previous planning approval granted to the application site and there were adverse departmental comments and local objections against the application;
- (c) the proposed use would generate adverse environmental and landscape impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for other similar applications within “GB” and “AGR” zones. The cumulative impact of approving such similar applications would result in adverse environmental and landscape impacts on the area.

[Dr. C.N. Ng arrived to join the meeting at this point]

Agenda Items 15 and 16

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of A/NE-MUP/57

Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone,
Lot 327RP in D.D. 37, Man Uk Pin, Sha Tau Kok

(RNTPC Paper No. A/NE-MUP/57)

Further Consideration of A/NE-MUP/58

Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone,
Lot 327RP in D.D.37, Man Uk Pin, Sha Tau Kok

(RNTPC Paper No. A/NE-MUP/58)

53. Noting that the two applications were similar in nature and the application sites were within the same lot in “Agriculture” (“AGR”) zone, Members agreed that the two applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed 6 Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) the Committee on 8.5.2009 decided to defer a decision on the applications pending clarification on the 10-year Small House demand for the subject village from the District Lands Officer/North (DLO/N, LandsD);

- (d) LandsD's comments – DLO/N, LandsD provided clarifications of the 10-year small house forecast demand for Man Uk Pin. According to LandsD's records, the forecast figure 100 given for the previous Application No. A/NE-MUP/56 in 2008 was provided by the Indigenous Inhabitant Representative (“IIR”) of Man Uk Pin in December 2006, whereas the figure 250 was provided by the same IIR in December 2008. According to the IIR of Man Uk Pin, the increase in the small house demand forecast was due to the increase in eligible overseas villagers who had expressed intention to return to the village to apply for small houses in view of the increased development potential of the village; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 3 of the Paper. The proposed Small House developments comply with the interim criteria for assessing planning application for NTEH/Small House development in that sympathetic consideration might be given as the proposed Small House footprint fell entirely 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 “V” zone of the village. The proposed Small House developments were generally compatible with the surrounding land uses and the application sites were in close proximity with the village proper of Man Uk Pin. On the public concerns on possible sewerage leakage, nature conservation, traffic and agricultural development and Director of Agriculture, Fisheries and Conservation's (DAFC) concern that the site was close to an ecological important stream, Director of Environmental Protection (DEP) confirmed that no sewage leakage incident had been reported and he had no in-principle objection to the application subject to imposition of relevant approval condition. On the concern of the high agricultural rehabilitation potential of the site, a similar application for Small House development to the west of the site and 30m from the stream (Application No. A/NE-MUP/56) was previously approved on 18.7.2008. Existing village houses were also found to the northeast of the application sites within “AGR” zone and to its east across the Man Uk Pin Stream within the “V” zone. The applicant would be advised to

strictly confine the construction works within the sites and to adopt appropriate measures to avoid disturbance to the adjoining stream.

55. The Chairperson enquired the location of similar applications of Small House developments in the vicinity. Ms. Stephanie P.H. Lai referred to Plan A-1 of the Paper and responded that similar applications were found at the southwestern part of the application sites (which were also zoned as “AGR”). There were also four Small House developments within the “village environs” (“VE”) of Man Uk Pin which were in existence since 1996.

56. Judging from Plan A-2a of the Paper, a Member commented that the existing “Village Type Development” (“V”) zone appeared to have ample space for Small House developments and the need to build Small Houses outside the “V” zone seemed not justified. This Member had reservation on the estimated demand for 250 Small Houses. It was worried that the lack of verification of the Small House demand would lead to proliferation of Small Houses outside the “V” zones, thus nullifying the effort of rural planning control.

57. Responding to the Member’s enquiry, Mr. Simon Yu explained that the 10-year Small House demand figure was based on the information provided by the Indigenous Inhabitant Village Representative (“IIR”). No survey on the existing population of the village (both overseas and local indigenous inhabitants) had been conducted.

58. Another Member enquired whether the current applications for Small House developments met the interim criteria for assessing planning application for NTEH/Small House development. Ms. Stephanie P.H. Lai replied that the application sites met the interim criteria, i.e. sympathetic consideration might be given if not less than 50% of the proposed NTEH/Small House footprint fell within the ‘VE’ and that there was a general shortage of land in meeting the demand for Small House development in the “V” zone.

Deliberation Session

59. Two Members said that there might be difficulties for the applicants to get hold of sites within “V” zone for Small House developments as the vacant land might not be under their ownerships and might be owned by other villagers who had entitlement under the Small House policy. A Member said that the current interim criteria for assessing planning

applications for NTEH/Small House development and the locational requirement e.g. within the 'VE' would adequately control Small House applications and would not nullify rural planning control.

60. A Member suggested requesting the IIR to provide the name list of those who had expressed intentions to apply for Small Houses in the Village in order to prevent abuse. Another Member suggested requesting the IIR to take an oath in providing the Small House demand forecast.

61. Mr. Simon Yu explained that LandsD was not empowered to request the IIR to provide the name list for estimating Small House demand. The Chairperson said that the suggested measures to improve verification of the Small House demand figures were not in line with the existing practice. She suggested that LandsD could further explore the way to improve verification of such demand.

62. The Secretary said that the "V" zones reserved on OZP might not always be large enough to meet the 10-year Small House demand for individual villages. In accordance with the Board's interim criteria for Small House applications, part of the Small House demand could be met outside the "V" zone but within the 'VE' if there was a shortage of land. The Committee would require the land within the "V" zone be fully developed first before approving Small House application outside the "V" zone, as in the case of Tung Tsz. However, in the current application area, there were already existing Small Houses outside the "V" zone and there were two planning applications approved since 2000 in the same "Agriculture" ("AGR") zone outside the "V" zone.

63. A few Members considered that there were no strong grounds to contain Small House developments within the "V" zone noting that there were already some existing Small Houses outside the "V" zone and two similar applications had been approved in the "AGR" zone.

64. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.6.2013, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced

or the permission were renewed. Each of 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;
- (c) the submission and implementation of sewage disposal proposals to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream;
- (b) to note the Chief Engineer/Development (2), Water Supplies Department's comments :
 - (i) for provision of water supply to the site, the applicant might need to extend his inside services to the nearest Government water mains for connection. He should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services in the private lots; and
 - (ii) watermains in the vicinity of the site could not provide the standard fire-fighting flow;

- (c) 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 Ms. Stephanie P.H. Lai, STP/STN, for her attendance to answer Members' enquiries. Ms. Lai left the meeting at this point.]

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

Tuen Mun and Yuen Long District

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-PS/303 Temporary Vehicle Repair Workshop
for a Period of 3 Years
in "Government, Institution or Community" zone,
Lots 2353RP, 2354RP(Part), 2361RP(Part), 2363(Part) and
2369RP (Part) in D.D. 124 and Adjoining Government Land,
Hung Shui Kiu,
Ping Shan,
Yuen Long
(RNTPC Paper No. A/YL-PS/303)

66. The Committee noted that on 11.5.2009, the applicant requested the Committee to defer consideration of the application for two months in order to allow time for the applicant to address some technical issues and to prepare further information to substantiate

the application.

67. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration 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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/183 Temporary Public Vehicle Park (Private Cars,
Light and Medium Goods Vehicles) for a Period of 3 Years
in “Village Type Development” zone,
Lots 528 (Part), 529 S.B. (Part) and 529 R.P. (Part) in D.D. 130
and Adjoining Government Land,
Lam Tei,
Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/183)

Presentation and Question Sessions

68. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park (private cars, light and medium goods vehicles) 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 was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessment made in paragraph 11 of the Paper. The majority part of the site was the subject of a previously approved application for the same use. The proposed temporary public vehicle park for private cars, light and medium good vehicles only was not incompatible with the village setting of the surrounding areas and would not frustrate the long-term planning intention of “Village Type Development” (“V”) zone for Small House developments. Furthermore, the applied use could also serve the parking needs of local villagers. Since the last approval (Application No. A/TM-LTYT/171) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, he would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 5.6.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 8:00 p.m. to 7:00 a.m., as proposed by the

applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance, container vehicles, container trailers and coaches were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, car dismantling, car repairing and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) the submission of landscape and tree preservation proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (f) in relation to (e) above, the implementation of the landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (g) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (h) in relation to (g) above, the provision of drainage facilities identified in the drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (i) the provision of fire service installations within 3 months from date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;

- (j) the submissions of a swept path analysis and a vehicular access layout within 3 months to the satisfaction of Commissioner for Transport or of the TPB by 5.9.2009;
- (k) in relation to (j) above, the provision of a vehicular access to the site within 6 months to the satisfaction of Commissioner for Transport or of the TPB by 5.12.2009;
- (l) if any of the above planning conditions (a), (b), (c) and (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should be obtained before commencing the applied use at the site;
- (b) shorter approval and compliance periods were imposed to monitor the situation on the site and the progress on compliance with approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further

application;

- (d) to resolve any land issue relating to the development with the concerned owners of the site;
- (e) the permission was given to the use under application. It did not condone any other use(s) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such uses not covered by the permission;
- (f) to note the District Lands Officer/Tuen Mun's comments on the need to apply to his office for Short Term Tenancy to legalize the occupation on the Government land and a Short Term Wavier for erection of temporary structures on the site;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments on any new building works to be erected on the site requiring formal submission under the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinances or other enactment might be taken if contravention was found. The applicant's attention was also drawn to Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the development;
- (h) 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 any potential environmental nuisances;
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant should follow the "Code of Practice on Working on near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation and consult the CLP Power Hong Kong Limited prior to establishing any structures;

- (j) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that no reversing of vehicles to the public road from the site was allowed; and
- (k) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the applicant should be responsible for provision of proper vehicle access arranged for the site and follow the HyD's standard drawings to match the existing pavement condition. In addition, an interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/184 Proposed Temporary Vehicle Park
(Private Cars and Light Goods Vehicles)
and Recreation and Village Affairs Centre for a Period of 3 Years
in "Village Type Development" zone,
Lot 581 (Part) in D.D. 130,
To Yuen Wai,
Tuen Mun
(RNTPC Paper No. A/TM-LTYY/184)

Presentation and Question Sessions

72. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle park (private cars and light goods vehicles)

and recreation and village affairs centre for a period of 3 years;

- (c) departmental comments – District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that the site did not involve application of Small House. No objection from concerned Government departments was received;
- (d) during the statutory publication period, two public comments were received. A commenter who was a school principal objected to the application on the grounds that the vehicular emissions and noise would adversely affect the health of his students and teachers, cause distraction to classes and worsen the law and order in the community. Another commenter who was a private individual objected to the application on the grounds that it would induce further traffic burden to Fuk Hang Tsuen Road; 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 assessment made in paragraph 11 of the Paper. The proposed vehicle park and recreation and village affairs centre were considered not incompatible with the village setting of the surrounding areas and could serve the parking needs of local villagers. The proposed temporary use would not frustrate the planning intention of “V” zone. The development should not impose significant adverse environmental, traffic and infrastructural impacts and all relevant government departments consulted had no adverse comments on the application. To address the concerns on potential environmental impacts on the surrounding area, appropriate approval conditions were recommended should the application be approved. Since the last approval (Application No. A/TM-LTY Y/154) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

73. In response to the enquiry by the Chairperson, Mr. C.C. Lau confirmed that the previous application No. A/TM-LTYT/154 was revoked for failing to comply with planning conditions related to submission of landscape proposals. The applicant had not submitted any application for extension of time for complying with the approval conditions for the previous permission. In the current application, the applicant had indicated in the application form that landscaping at the periphery of the site would be carried out, but no concrete proposal was submitted by the applicant.

Deliberation Session

74. The Secretary reported that the Metro Planning Committee of the Board had recently discussed the need to strengthen compliance with approval conditions for temporary uses. PlanD suggested that for planning approval which was revoked due to non-compliance with approval conditions, the applicant had to provide explanations for the non-compliance and to put forward proposals to comply with the conditions in the new application. Should the application be approved, shorter compliance periods for the approval conditions would be imposed and the applicant would be advised that sympathetic consideration would not be given to further application by the Board should the approval be revoked again. If the planning application site involved two revocations, no sympathetic consideration of further application would be given by the Board. Members agreed to the proposed arrangements.

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes in weight, including container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Traffic Regulations

were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) 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;
- (e) the submission of landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (f) in relation to (e) above, the implementation of the landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (g) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (h) in relation to (g) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (k) 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;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed so as to monitor the compliance of conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (d) to resolve any land issues relating to the development with the other concerned land owner(s);
- (e) to note the District Lands Officer/Tuen Mun's comment that the site boundary was different from the existing occupation boundary and the applicant should make tally of both, the applicant was required to apply to his office for a Short Term Waiver for the erection of temporary structures on the subject lot for the proposed use;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comment that the site was in an area where no public

stormwater drainage connection was available;

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of the proposed development was required under the BO; and to note the B(P)R 41D regarding the provision of emergency vehicular access to the site;

- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that the applicant might need to extend his/her inside services to the nearest suitable government watermains for connection. The applicant should resolve any land matters associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (i) to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to mitigate any potential environmental nuisances.

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

Agenda Item 20

Section 16 Application [Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/616 Temporary Open Storage of Containers,
Container Vehicle Park and Logistics Yard for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 57(Part), 66(Part), 67(Part), 68, 69, 70(Part), 71(Part),
73(Part), 74(Part), 76 S.A(Part), 76 S.B, 77(Part), 78, 79, 80(Part),
84(Part), 85, 86, 87, 88, 91, 781 S.B RP, 782 S.B RP, 783 S.B RP,
784 S.B RP, 785, 786, 787, 788, 789, 790, 791, 792 and 793 in
D.D. 125,
Lots No. 3212 RP(Part), 3228(Part), 3234(Part), 3235(Part), 3237(Part),
3238, 3239(Part), 3240(Part), 3241(Part), 3251 RP(Part), 3281(Part),
3282(Part), 3283(Part), 3284(Part), 3285(Part), 3286(Part),
3287 RP(Part), 3288 RP(Part), 3289 S.B RP(Part) and 3442(Part)
in D.D. 129 and Adjoining Government Land,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/616)

Presentation and Question Sessions

77. The Secretary reported that a replacement page (p.11) of the Paper was tabled at the meeting for Members’ reference.

78. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of containers, container vehicle park and logistics yard 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 site and the access road and environmental nuisance was expected;

- (d) during the statutory publication period, one public comment was received objecting to the application on the grounds that the site was too close to residential dwellings, would generate noise nuisance, and could damage the environment. No local objection was received from the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding open storage 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 “Comprehensive Development Area” (“CDA”) zone on the OZP since there was not yet any programme/known intention to implement the zoned use on the OZP. The development was in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments and DEP's and the local concern could be addressed by way of approved conditions. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, the types of activity and the staking height of containers on-site had been recommended in paragraphs 13.2 (a) to (e) of the Paper. Due to demand for open storage and port back-up uses, the Committee had recently approved similar applications in the same “CDA” zone for similar uses.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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. to 8:00 a.m., 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, cleansing, repairing, compaction, unpacking, re-packing, tyre repair, vehicle repair, container repair and workshop activity was allowed on the site during the planning approval period;
- (d) no stacking of containers within 5m of the periphery of the site during the planning approval period;
- (e) the stacking height of containers stored on the site at any other location should not exceed 7 units during the planning approval period;
- (f) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (g) in relation to (f) above, the implementation of the drainage/flood mitigation measures for the development identified in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2010;
- (h) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2010;
- (j) 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 5.12.2009;

- (k) in relation to (j) 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 5.3.2010;
- (l) the submission of fire service installations proposals, including sprinkler system, for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (m) in relation to (l) above, the provision of fire service installations for the structures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2010;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) 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
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site

but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (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's comments that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease and a New Grant Agricultural Lot upon which no structure was allowed to be erected without prior approval from his Office; to apply for Short Term Waivers (STWs) to regularize the structure(s) erected on-site, and a Short Term Tenancy (STT) to regularize the unlawful occupation of Government land. For the purpose of applying a STW, the owner should carve out the lot concerned according to the site boundary. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action according to the established district enforcement and land control programme;
- (e) to refer to Drainage Services Department (DSD)'s publications – “Technical Note to prepare Drainage Submission (November 2001)” and “Advice Note No. 1 – Application of the Drainage Impact Assessment Process to Private Sector Projects (October 1995)” which were free to be downloaded from DSD's website;
- (f) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (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 comments to construct the run-in/out at the access points at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 & H1114 or H5115 & H5116 whichever set was appropriate to match with the adjacent pavement conditions; provide adequate measures to ensure that no surface water would flow out from the site onto the nearby public roads/drains; and be responsible for his own access arrangement;
- (i) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress route to/from the site might be affected during the construction period for Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion in end 2010, and that he should not be entitled for any compensation arising from the said construction. The road level of Ping Ha Road would be raised and a rectangular drainage channel would be constructed adjacent to the site after the proposed improvement works. Any necessary modification works, including those 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 aforesaid project;
- (j) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix IV of the Paper;
- (k) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to provide more perimeter tree planting with indication of relevant information of the existing and proposed trees; and
- (l) 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; use of containers as offices or store 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 specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/617 Temporary Open Storage of Scrap Metal and Scrap Plastic
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lots No. 716 S.B(Part), 717(Part), 718(Part), 719(Part)
and 720(Part) in D.D.125 and Adjoining Government Land,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/617)

Presentation and Question Sessions

82. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of scrap metal and scrap plastic 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 site and along the access road and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received objecting to the application on grounds of fire risks associated with metal and plastic wastes in view of recent fires of similar scrap yards over the territory, the remoteness of the site and the lack of water supply, ecological impacts of toxic gases released from combustion of plastics, and impacts on the atmosphere from release refrigerants of air conditioners and refrigerators during dismantling. The commenter considered that the application should be rejected on environmental grounds, and the applicant should conduct an environmental assessment to identify environmental mitigation measures and fire safety measures. District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) did not receive any local objection; 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 assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the open storage uses to its northeast. 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 not yet any programme/known intention to implement the zoned use on the OZP. The development was in line with TPB Guidelines No-13E in that there was no objection from concerned departments and DEP's concern and the local objection could be addressed by way of approval conditions. Due to the demand of open storage uses in the area, the Committee and the Board had recently approved a number of similar applications in the area. To mitigate possible environmental

impacts, approval conditions on operation hours, prohibition of workshop activities and use of heavy vehicles, and types and staking height of materials stored and the advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” were recommended. Regarding the local concern on fire risks, approval conditions on the submission of Fire Services Installations proposals (FSIs) and the provision of FSIs had also been recommended. Since the last approval (Application No. A/YL-HT/525) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

83. The Chairperson asked whether there was any approval condition imposed in the current application to prohibit dismantling activities at the application site as a commenter had concern on the impacts of toxic gases released from combustion of plastics, and impacts on the atmosphere from release refrigerants of air conditioners and refrigerators. In response to Chairperson’s enquiry, Ms. M.L. Leung responded that an approval condition that no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site during the planning approval period was imposed in the planning permission.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site during the planning approval period;
- (d) no vehicle exceeding 5.5 tonnes was allowed to enter the site, as proposed by the applicant, during the planning approval period;
- (e) no handling, loading/unloading and storage of electrical appliances, including refrigerators and air conditioners, was allowed on the site during the planning approval period;
- (f) the stacking height of materials stored on the site should not exceed 2.5m, as proposed by the applicant, during the planning approval period;
- (g) the existing trees on the site should be maintained during the planning approval period;
- (h) no ground excavation work should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (i) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (j) in relation to (i) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (k) the submission of fire service installations proposals, including sprinkler system, for the structures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;

- (l) in relation to (k) above, the provision of fire service installations for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (m) 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 5.9.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) shorter approval and compliance periods were imposed to monitor the fulfillment of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;

- (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's (DLO/YL'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; his office did not guarantee right-of-way of the vehicular access to the site through private land from Ping Ha Road; to apply for Short Term Waiver (STW) to regularize the unauthorized structures on-site and carve out the lots concerned according to the site boundary; and to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action against according to the established district enforcement and land control programme;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in the application :
 - (i) the discharge point of the surface runoff of the site should be revised;
 - (ii) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. Open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow passage of rainwater from adjacent areas; and

- (iii) to ensure that the drain which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots;

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

- (i) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)", the construction works for which had already commenced in December 2007 for completion in end 2010. The 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;

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

- (k) 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; use of containers as offices or store 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 specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D; and

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/618 Temporary Open Storage of Construction Machinery,
Construction Materials, Scrap Metal and Scrap Plastic
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lots No. 719(Part), 739(Part), 745(Part), 750(Part), 751(Part), 752(Part),
753(Part) and 754(Part) in D.D.125 and Adjoining Government Land,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/618)

Presentation and Question Sessions

86. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery, construction materials, scrap metal and scrap plastic 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 site and along the access road and environmental nuisance was expected;
- (d) during the statutory publication period, one public comment was received raising objection to the application on the grounds of fire risks associated with metal and plastic wastes in view of recent fires of similar scrap yards over the territory, the remoteness of the site and the lack of water supply, ecological impacts of toxic gases released from combustion of plastics , and impacts on the atmosphere from release refrigerants of air conditioners and refrigerators during dismantling. The commenter considered that the application should be rejected on environmental grounds, and the applicant should conduct an environmental assessment to identify environmental mitigation measures and fire safety measures. No local objection was received by District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD), Home Affairs Department (DO/YL, HAD); 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 assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the open storage uses to its north, west and southwest. Besides, it was considered that 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 not yet any programme/known intention to implement the zoned use on the OZP. The development was in line with TPB PG-No. 13E in that there was no objection from concerned departments and DEP’s concern and the local objection could be addressed by way of approval conditions. Due to the demand for open storage uses in the area, the Committee and the Board had recently approved a number of similar applications in the area. To mitigate possible environmental impacts, approval conditions on operation hours, prohibition of workshop activities and use of heavy vehicles, and types and staking height of materials stored and the advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” were recommended. Regarding the local concern on fire risks, approval conditions on the submission of Fire Services Installations proposals (FSIs) and the provision of FSIs had also been recommended. Since the last approval (Application No. A/YL-HT/526) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site during the planning approval period;
- (d) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (e) no handling, loading/unloading and storage of electrical appliances, including refrigerators and air conditioners, was allowed on the site during the planning approval period;
- (f) the stacking height of materials stored within 5m of the periphery of the site should not exceed 2.5m, as proposed by the applicant, during the planning approval period;
- (g) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (h) the existing trees on the site should be maintained during the planning approval period;
- (i) no ground excavation work should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (j) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (k) in relation to (j) above, the provision of drainage facilities as proposed

within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;

- (l) the submission of fire service installations proposals, including sprinkler system, for the structures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;
- (m) in relation to (l) above, the provision of fire service installations for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (n) 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 5.9.2009;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) prior planning permission should have been obtained before commencing the development on site;

- (b) shorter approval and compliance periods were imposed in order to monitor the fulfillment of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (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 (DLO/YL)'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; his office did not guarantee right-of-way of the vehicular access to the site through private land from Ping Ha Road; to apply for Short Term Waiver (STW) to regularize the unauthorized structures on-site and carve out the lots concerned according to the site boundary; and to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action against according to the established district enforcement and land control programme;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in the application :
 - (i) the discharge point of the surface runoff of the site should be

revised;

- (ii) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. Open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow passage of rainwater from adjacent areas; and
 - (iii) to ensure that the drain which the runoff collected by the site would be discharged was adequate to discharge the additional flow from the site. DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots;
- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)", the construction works for which had already commenced in December 2007 for completion in end 2010. The 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;
- (j) to note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper;

- (k) 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; use of containers as offices or store 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 specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D; and

- (l) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, he might need to extend his inside services to the nearest suitable Government water mains for connection, that he should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards, and 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/619 Temporary Open Storage of Fibreglass Products with Workshop
for a Period of 3 Years
in “Open Storage (1)” zone,
Lots 1480 RP(Part), 1481 S.B RP(Part) and 1482 RP in D.D.125 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/619)

90. The Secretary reported that two replacement pages (p.9 and p.11) of the Paper were tabled at the meeting for Members’ reference.

Presentation and Question Sessions

91. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of fiberglass products with 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 site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 assessment made in paragraph 12 of the Paper. The development was

generally in line with the planning intention of “Open Storage (1)” (“OS(1)”) zone. The applied use was not incompatible with the surrounding land uses. The development was in line with the TPB PG-No. 13E in that there was no objection from the locals and no objection from concerned Government Department. Regarding DEP’s concerns, it could be addressed by way of approval conditions as recommended in paragraphs 13.2(a) and (b) of the Paper, and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Due to the demand for open storage uses, the Committee had recently approved similar applications for various temporary uses in the area. Since the last two approvals (Application No. A/YL-HT/497 and A/YL-HT/550) were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 from 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) the existing trees planted under the previous approved Application No. A/YL-HT/550 should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/550 should be maintained at all times during the planning approval period;
- (e) 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 5.9.2009;
- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.9.2009;
- (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 Director of Fire Services or of the TPB by 5.12.2009;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should be obtained before continuing the development on the site;
- (b) shorter approval and compliance periods were imposed in order to monitor

the fulfillment of approval conditions;

- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and to apply to his office for Short Term Wavier (STW) to regularize structures on lots and Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action according to the established district lease enforcement and land control programme;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) 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
- (h) 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; use of containers as offices or store 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 specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/620 Temporary Open Storage of Marble and Construction Materials
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 766 in D.D.125 and Adjoining Government Land,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/620)

Presentation and Question Sessions

95. Ms. M.L. Leung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of marble and construction materials 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 site and the access road and environmental nuisance was excepted. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape point of view as the site had been expanded affecting a vegetated slope. Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the development would inevitably involve the clearance of vegetation and excavation of land on the well vegetated slope;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 use was incompatible with the residential dwellings to its immediate east and northeast (about 40m away). The proposed use did not meet the TPB Guidelines No. TPB PG-No. 13E. The CTP/UD&L, PlanD and DAFC had reservations on the application as the site had been expanded by about 40% southwards towards a well-vegetated knoll of high landscape and nature conservation value. Moreover, noting the applicant's repeated failure to comply with the approval conditions of the previous planning permissions (under Applications No. A/YL-HT/536 and 583) especially regarding tree preservation and landscape proposals, there were serious doubts that potential environmental and landscape impacts could be addressed by way of approval conditions.

Deliberation Session

96. The Chairperson enquired whether an advisory clause was imposed in the last previous approval reminding the applicant that sympathetic consideration would not be given to the applicant if the applicant failed to comply with the approval conditions. Ms. M.L. Leung replied that no such advisory clause was included in the previous approval for Application No. A/YL-HT/536 but it was included for Application No. A/YL-HT/583. The

Secretary supplemented that there was no information provided by the applicant explaining the difficulties in complying with the approval conditions.

97. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were adverse departmental comments and no assessment had been included in the submission to demonstrate that the development would not have adverse landscape, nature conservation and environmental impacts on the surrounding areas.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/YL-MP/170 Proposed House (Low-rise, Low-density Residential) Development, Minor Relaxation of Building Height Restriction and Filling of 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)

98. The Secretary reported that Mr. Alfred Donald Yap, Dr. James C.W. Lau and Professor David Dudgeon had declared interests in this item. Mr. Yap had current business dealings with Henderson Land Development Co. Ltd. (holding company of the applicant). Dr. Lau had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the application. Professor Dudgeon was a Trustee of Mai Po Management and Development Committee. Nevertheless, the applicant had requested for a deferment of consideration of the application. Members agreed that Mr. Yap and Dr. Lau could stay at the meeting. Members also noted that Professor Dudgeon

had tendered an apology for being unable to attend the meeting.

99. The Committee noted that on 21.5.2009, the applicant requested the Committee to defer consideration of the application until the next Committee meeting to be held on 19.6.2009 (i.e. 2 weeks later) in order to allow more time to address the outstanding technical comments raised by Director of Environmental Protection.

100. 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 19.6.2009 (i.e. 2 weeks later) subject to there being no further information submitted which would require publication for public comments. The applicant should be advised that the Committee had allowed a total of 7 months since the application was deferred by the Committee on 24.10.2008 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/175 Temporary Shop and Services (Estate Agent)
for a Period of 3 Years
in "Open Space" zone,
Lot 2873 in D.D. 104,
1 Palm Springs Boulevard,
Mai Po,
Yuen Long
(RNTPC Paper No. A/YL-MP/175)

Presentation and Question Sessions

101. Ms. M.L. Leung, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (estate agent) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. Approval of the application on a temporary basis would not frustrate the long term planning intention of the “Open Space” (“O”) zone as there was no definite development programme for the “O” zone by Yuen Long District Council. The development was not incompatible with the land uses of the surrounding areas, which were characterized by a mix of residential dwellings, vacant land, ponds and a temporary estate property sales office. Seven previous planning approvals for similar uses on the site had been granted by the Committee. Since the last approval (Application No. A/YL-MP/142) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

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 up to 5.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing landscape planting on the site should be maintained at all times during the approval period;
- (b) the drainage facilities implemented on the site under Application No. A/YL-MP/142 should be maintained at all times during the approval period;
- (c) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.9.2009;
- (d) in relation to (c) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.12.2009;
- (e) if any of the above planning conditions (a) or (b) 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;
- (f) if any of the above planning conditions (c) or (d) 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
- (g) 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 of the following :

- (a) prior planning permission should have been obtained before commencing

the applied uses at the application site;

- (b) shorter compliance periods were granted in order to monitor the progress on compliance with approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that his Office would not guarantee a right-of-way. The applicant was advised to resolve any land issue relating to the access road;
- (e) to note the Director of Environmental Protection (DEP)'s comments that the applicant was advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by his Office in order to minimise the environmental nuisance;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on the site. 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. Peripheral channels should be provided around and within site boundary. The site was in an area where no public stormwater drainage maintained by his Office was currently available for connection. The area was probably served by some of the existing local village drains which were probably maintained by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD). If the proposed discharge point was either one of these drains, comments/agreements should be sought from the relevant department on the proposal. The site was in an area where no public sewerage maintained by his Office was currently available for

connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction. 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 should be constructed and maintained by the applicant at his own cost;

- (g) to note the Director of Fire Services' comments that should the applicant wish to apply for exemption from the provision of certain fire service installations as mentioned at Appendix IV of the Paper, the applicant should provide justifications to his Department for consideration;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as office or store were considered as temporary buildings and subject to control under Building (Planning) Regulations (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 specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage;
- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage

level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (j) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department’s comments that the building platform was supported by an unregistered slope. The applicant was reminded to keep any man-occupied structure within safety distance (approx. 1-2m) from the crest of the unregistered slope.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-NTM/223 Proposed Comprehensive Low Density Residential Development in “Comprehensive Development Area” zone,
Lots 700, 701, 702 S.A, 702 S.B, 718(Part), 719(Part), 720(Part),
721 S.A, 721 S.B, 721 S.C, 721RP, 722 S.A, 722 S.B, 722 S.C, 722RP,
723 S.A, 723 S.B, 723RP, 724 S.A, 724RP, 725, 726, 727, 728, 730,
731, 732, 733, 734, 735, 736, 737, 738, 739RP(Part), 740(Part),
741(Part), 842RP, 845RP, 853RP, 854, 855, 952RP, 954, 956, 960RP,
961, 962, 963, 966, 967, 968RP, 972RP, 973RP, 975, 976, 977, 1019,
1020, 1021, 1022, 1023, 1024 and 4469RP in D.D. 104,
and Adjoining Government Land,
Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/223)

105. The Secretary reported that Mr. Alfred Donald Yap had declared an interest in this item as Mr. Yap had current business dealings with Henderson Land Development Co. Ltd., holding company of the applicant. Nevertheless, the applicant had requested for a deferment of consideration of the application. Members considered that Mr. Yap could stay at the meeting.

106. The Committee noted that on 21.5.2009, the applicant requested the Committee to defer consideration of the application until the next Committee meeting to be held on 19.6.2009 (i.e. 2 weeks later) in order to allow more time to clarify with the relevant Government departments on their comments.

107. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration on 19.6.2009 (i.e. 2 weeks later) subject to there being no further information submitted which would require publication for public comments. The applicant should be advised that the Committee had allowed a total of 14

months since the application was deferred by the Committee on 28.3.2008 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Items 28 and 29

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/325 Temporary Private Car Park
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lots 3316 RP (Part), 3331 RP (Part), 3337 RP, 3338 RP (Part),
3339, 3340 RP (Part), 3341 RP (Part), 3342 (Part), 3343 to 3346,
3347 (Part), 3348 (Part), 3349 RP (Part), 3350, 3351 (Part),
3359 RP and 3360 RP in D.D. 104 and Adjoining Government Land,
Long Ha,
San Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/325)

A/YL-KTN/326 Temporary Private Car Park
for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lots 3307 RP (Part), 3308 RP (Part),
3312 RP (Part) and 3313 RP (Part) in D.D. 104,
Long Ha,
San Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/326)

Presentation and Question Sessions

108. Noting that Applications No. A/YL-KTN/325 and A/YL-KTN/326 were similar in nature and the applications were in the same “Comprehensive Development Area” zone, the Committee agreed to consider the two applications together.

109. Mr. Tony C.N. Kan and Dr. James C.W. Lau declared interests in this item as they were members of the Mission Hills Golf Club and the applied use was intended for members of the Club.

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

- (a) background to the applications;
- (b) the temporary private car parks for a period of 3 years at each of the application sites;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the applications as there were sensitive receivers i.e. residential dwellings in the vicinity of the sites and environmental nuisances were expected;
- (d) during the statutory publication period, one public comment was received against each application on the grounds that the development would cause adverse traffic impact on the local road which was narrow and also road safety problem to the villagers including the children and the elderly; 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 assessment made in paragraph 11 of the Papers. The proposed use was considered not incompatible with the surrounding land uses which were mainly a mixture of storage/open storage yards, parking lot, cultivated

agricultural land, sites for gardening and residential structures. Since there was not yet any known programme to implement the “Comprehensive Development Area” (“CDA”) zone, it was considered that approval of the applications on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP. Previous planning approvals had been granted for the same uses and there was no major change in planning circumstances. DEP’s concerns could be addressed through the inclusion of approval conditions prohibiting medium or heavy goods vehicles and vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, and provision of mitigation measures to minimize any possible nuisance and the suggested advisory clause on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Regarding the local concern on traffic and road safety grounds, Transport Department had no adverse comment on the application. Since the last approval (Application No. A/YL-KTN/291) for Application No. A/YL-KTN/325 and last approval (Application No. A/YL-KTN/292) for Application No. A/YL-KTN/326 were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the applications. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permissions, sympathetic consideration would not be given to any further application.

111. Members had no question on the application.

Deliberation Session

Application No. A/YL-KTN/325:

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 Traffic Regulations were allowed to be parked/stored on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) all existing landscape planting on the site (under Application No. A/YL-KTN/249) should be maintained at all times during planning approval period;
- (e) the drainage facilities implemented on the site (under Application No. A/YL-KTN/249) should be maintained at all times during the planning approval period;
- (f) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on site to the residents nearby within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (g) 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 5.9.2009;
- (h) in relation to (g) 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 5.12.2009;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby

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

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site;
- (d) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that Lot 3342 in DD104 was covered by a valid Short Term Waiver (STW) 1184 allowing 2 structures of total built-over area of 41.88m² on the lot for workshop use. The applicant proposed to occupy a piece of unleased Government Land (GL) of about 216m² and to construct non-domestic structures with a total area of about 123m², which exceeded the said STW coverage, within the application site. His office reserved

the right to take land control/lease enforcement action against these irregularities, if indeed found in due course. Besides, the site was accessible by a short access road which ran through an open government land (currently under GLA-TYL788 for a maintenance project under the Water Supplies Department (WSD)) to San Tam Road. His office did not guarantee right-of-way nor provides maintenance service for the access on GL outside public road. The registered owner concerned should also apply for STW and the occupant of GL should submit an application for Short Term Tenancy. Should no application be received/approved and the irregularities persist on the site, his office, on review of the situation, would take lease enforcement action according to the established district enforcement programme;

- (f) 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 minimise any potential environmental nuisances;
- (g) 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 had to be appointed to coordinate all building works;
- (h) 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 application site and San Tam Road;
- (i) 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. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSI proposal for the proposed structures that were less than 230m², the applicant should make reference to the requirements in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix IV of the Paper, the applicant was required to provide justifications to his department for consideration; and

- (j) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, 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.

Application No. A/YL-KTN/326:

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on site to the residents nearby within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (h) in relation to (g) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;

- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2009;
- (j) in relation to (i) 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 5.12.2009;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site;
- (d) should the applicant fail to comply with the approval conditions again

resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;

- (e) to note the District Lands Officer/Yuen Long (DLO/YL)'s comments that his office reserved the right to take lease enforcement action against any irregularities on the site, if indeed found in due course. The ingress/egress of the site opens to GLA-TYL788 (for a current maintenance project under the Water Supplies Department (WSD)) that leads to San Tam Road. His office did not guarantee right-of-way nor provides maintenance service for the access on Government Land outside public road. Besides, it was his policy to issue Short Term Waiver (STW) to the registered owner on a whole-lot basis. The registered owner should apply for STW if structures were erected thereon, and for the purpose of applying STW, the owner was advised to carve out the lot concerned according to the application site boundary. Should no application be received/approved and the irregularities persist on the site, his office, on review of the situation, would take appropriate action according to the established district lease enforcement programme. The applicant should consult China Light & Power Company (CLPP) as the site might affect the project "400kV Overhead Powerline from Border to Yuen Long, N.T." held by CLPP. The applicant should also clarify if Lot No. 3307 RP in D.D. 104 was included in the application;

- (f) 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 minimise any potential environmental nuisances;

- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage proposal submitted was not satisfactory. Regarding the drainage proposal, a catchpit with trap should be provided at the drainage outlet of the site. The details, including invert levels, alignment, size and nature of the connection drain between the

drainage outlet of the site and the existing channel adjoining San Tam Road should be indicated. Besides, details of all proposed works at the site boundary, including boundary wall, should be included for indication of unobstructed flow of surface runoff from the adjacent areas. DLO/YL or the relevant owner should be consulted for any drainage works outside the site boundary or the applicant's jurisdiction. In addition, the applicant would likely have drainage works on slope no. 2SE-C/C273(1) adjoining the site, which was maintained by Highways Department (HyD). HyD should be consulted as necessary;

- (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 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;
- (i) to note the Chief Highway Engineer/New Territories West, HyD's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road;
- (j) to note the Director of Fire Services' 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. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Besides, the location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed security booth and electricity supply hut, the applicant should be advised that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and

- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/328 Renewal of Planning Approval for
Temporary “Open Storage of Construction Machinery,
Private Vehicles and Vehicle Parts”
under Application No. A/YL-KTN/252 for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 629 S.T, 629 S.U, 630 S.B ss.16
and 630 S.B ss.17 in D.D. 110,
Shek Kong San Tsuen,
Kam Tin Road,
Yuen Long
(RNTPC Paper No. A/YL-KTN/328)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts” under Application No. A/YL-KTN/252 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 assessment made in paragraph 12 of the Paper. The application was for renewal of the planning permission (Application No. A/YL-KTN/252) approved on 16.6.2006 for the same use. There was no change in planning circumstances since the latest approval with all approval conditions complied with. The development was considered not incompatible with the surrounding areas. As there was no known programme for the implementation of the zoned use at the site, it was considered that the temporary planning permission for another 3 years would not frustrate the planning intention of the “Residential (Group D)” zone. The application was generally in line with the TPB PG-No. 13E as it was a renewal application. Although DEP did not support the application, approval conditions restricting the operation hours and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities and stacking of vehicles or vehicle parts were recommended in paragraphs 13.2(a) to (c) of the Paper.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 6:00 p.m. and 9:00 a.m. daily, as proposed by the applicant, was allowed on the application 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 stacking of vehicle or vehicle parts above 2.5m should be carried out on the site at any time during the planning approval period;
- (d) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (e) the agreed drainage facilities on the application site under application No. A/YL-KTN/169 should be maintained in good condition at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (g) in relation to (f) 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 5.3.2010;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) and (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.

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

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

owners of the site;

- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) No. 2552 was approved to Lot Nos. 629 S.T and 629 S.U in D.D. 110 permitting structures for use ancillary to temporary open storage of construction machinery, private vehicles and vehicle parts with Built-over Area not exceeding 259.72m² and height not exceeding 4.5m. The applicant/registered owner of the lot should be reminded to apply for modification of the above-mentioned STW and separate STW on Lots 630 S.B ss.16 and 630 S.B ss.17 if unauthorized structures had indeed extended onto these lots. Should no STW application be received/approved and irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. Besides, the site was accessible to Kam Tin Road through private land and a short stretch of Government Land (GL). His office did not carry out maintenance works of the GL;
- (c) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) to note the Director of Fire Services' 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 VI 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

- (e) 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 (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/465 Proposed Temporary Public Vehicle Park for Private Cars
for a Period of 2 Years
in "Other Specified Uses" annotated "Rural Use" zone,
Lots 509, 510, 514 and 515 RP in D.D. 106,
Kam Po Road,
Yuen Long
(RNTPC Paper No. A/YL-KTS/465)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars for a period of 2 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity of the application site and the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L, PlanD) had reservation on the application as the proposed car park would involve extensive concreting or laying of paving materials on the site degrading the landscape quality of the site and its surrounding. The proposed use was against the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, which was to preserve the rural character of the area;

- (d) during the statutory publication period, two public comments were received. One objected to the application on the grounds that the site was not suitable for parking use as it would be incompatible with the surrounding environment and would cause pollution and flooding problems. Another commenter suggested that corrugated iron boards should be erected to fence off the site to avoid the impact of exhaust on the local residents; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessment made in paragraph 12 of the Paper. The planning intention of the “OU(RU)” zone was primarily for the preservation of the character of the rural area. The proposed public vehicle park could serve the needs of the locals and therefore did not contradict the planning intention. Similar applications for parking or open storage uses in the eastern part of the “OU(RU)” zone were approved and approval of the application was in line with the Committee’s previous decision. The proposed development could serve as a buffer between the factory to the north of the site and the residential dwellings to the south/southeast. Regarding DAFC’s and CTP/UD&L, PlanD’s concern and local objection on environmental and drainage aspects, it could be addressed by imposition of conditions as recommended in paragraphs 13.2 (a) to (c), (e) to (i) of the Paper.

121. Members had no question on the application.

Deliberation Session

122. In response to Chairperson's enquiry on the parking demand in the area, Ms. Paulina Y.L. Kwan responded that the applicant had not provided information on parking demand for the area and AC for T/NT, TD did not have any comment on the application. A Member said that there was a park-and-ride facility at the Kam Sheung Road West Rail Station and the proposed public vehicle park would not be serving the West Rail Line users. Another Member remarked that there was a flea market opposite to the Kam Sheung Road West Rail Station operated on Sundays and public holidays and the proposed public vehicle park might serve the visitors going to the flea market. This Member expressed concern that the applied use was used for storage of private cars instead of for parking. The Chairperson explained that the applicant had indicated clearly in his application that the applied use was for parking of private vehicles. Members suggested PlanD to keep the site under close monitoring to prevent misuse.

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 5.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no car washing, dismantling, repairing and workshop activities involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing would be carried out on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles 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;
- (d) setting back of the northern boundary of the site to avoid encroachment on the existing footpath and surface channel during the planning approval

period;

- (e) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2010;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2009;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.3.2010;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2009;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2010;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant/owner should apply to his office for Short Term Waiver (STW) to cover the proposed structures on the site (i.e. two converted containers for office/storage use). Should no STW application be received/approved and irregularities found on the site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. The site was accessible via an unnamed road branching off Kam Po Road, which ran through open government land without maintenance works to be carried out thereon by his office. Part of the access over Government land was intercepted by a tenancy under reference TARDS/EAR-001 for which the Chief Estate Surveyor/Railway Development Section of his department should be consulted if the access could be used concurrently with the tenant. His office would not guarantee right-of-way;
- (c) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (d) 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;
- (e) to note the Director of Fire Services' 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 IV 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
- (f) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity

of the proposed structure. In addition, 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-PH/582 Temporary Open Storage of Private Cars and
Light/Medium Goods Vehicles Prior to Sale for a Period of 1 Year
in “Village Type Development” zone,
Lots 2116 S.B ss.11 (Part), 2116 S.B RP (Part), 2123 S.B (Part),
2124 S.B ss.1 (Part), 2124 S.B ss.2, 2124 S.B ss.4, 2124 S.B ss.6 (Part),
2124 S.B ss.7 (Part) and 2124 S.B RP (Part) in D.D. 111,
Kam Tin Road,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/582)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private cars and light/medium goods vehicles prior to sale for a period of 1 year;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL, LandsD) did not support the application as a small house application on Lot

2124S.B ss.2 in D.D. 111 within the site was under active processing and was expected to be approved in a short time and subsequent to the approval of Application No. A/YL-PH/549, his office did not receive any application to regularize the unauthorized structures on the site. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses including residential dwellings and homes for the aged located immediately next to the site and environmental nuisances were expected;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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. A Small House application on Lot 2124 S.B. ss.2 in D.D.111 within the site was under active processing and was expected to be approved in a short time. Since 1999, five previous planning approvals were given to the applicant. Under the latest application No. A/YL-PH/549, the applicant had been advised that no further renewal of planning permission would be allowed. The continuous occupation of the site for the applied use would frustrate the planning intention of the “Village Type Development” (“V”) zone on the OZP. Also, the continuation of the applied use on the site was not in line with the TPB PG-No. 13E in that the site fell within the Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. Despite the repeated tolerance of the applied use under five previous applications, the applicant had failed to relocate his business to other suitable locations and no information had been included in the submission to explain why the applied use could not be relocated to other suitable locations. There were about 96.46ha of land zoned “Open Storage” on the Pat Heung OZP. The development was considered not compatible with the surrounding areas.

126. Members had no question on the application.

Deliberation Session

127. Members considered that the development was incompatible with the surrounding uses and the applicant had been given adequate time to relocate the business to other more suitable areas.

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

- (a) the continuous occupation of the site for the applied temporary open storage use was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan (OZP), which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. There was insufficient justification in the submission for further departure from such planning intention, even on a temporary basis;
- (b) the continuous use on the site was not in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. There was no exceptional circumstances to renew further the applied open storage use on-site. Sufficient time had already been given for the applicant to relocate the use to other suitable locations;
- (c) the development was considered not compatible with the surrounding areas which were predominated by residential developments and homes for the aged. The development would cause environmental nuisances to the surrounding areas and there was no information submitted by the applicant to address the issue; and

- (d) there were about 96.46 ha of land zoned “Open Storage” (“OS”) on the Pat Heung OZP. There was no information in the submission to demonstrate why suitable sites within the “OS” zones were not available for the applied use.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-SK/148 Proposed Four Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lots 1504 (Part) and 1505 (Part) in D.D. 112,
Tsing Tam Village,
Shek Kong,
Yuen Long
(RNTPC Paper No. A/YL-SK/148)

129. The Committee noted that on 29.5.2009, the applicant requested the Committee to defer consideration of the application for one month in order to allow time for the applicant to clarify with Lands Department the development potential of the land with ‘house lot’ status within the site.

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/241 Temporary Used Clothes Collection Centre
for a Period of 3 Years
in “Village Type Development” zone,
Lot 1614 RP (Part) in D.D. 119,
Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/241)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary used clothes collection centre for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT, TD) had reservation on the application as heavy vehicles were attracted to use the Kiu Hing Road which was a sub-standard village road with one-lane but for two-way traffic. As such, the proposed access route via Kiu Hing Road was not supported from a traffic viewpoint;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 recyclable collection centre was not for provision of essential facility to serve the local community where it is located. The development was considered not in line with the planning intention of the “Village Type Development” (“V”) zone. The development was not compatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity. AC for T/NT, TD had reservation on the application as heavy vehicles are attracted to use the single-lane road for 2-way traffic, and the proposed access route via Kiu Hing Road was not supported from a traffic viewpoint. There was no previous approval granted for the use on-site nor was there similar planning approval for the applied use/warehouse uses within the subject “V” zone in the vicinity of the site. 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.

132. Members had no question on the application.

Deliberation Session

133. Members considered that the proposed development should not be allowed in the “V” zone and should better be accommodated in industrial buildings.

134. 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 “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would frustrate the planning intention and there was no strong justification given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the development was considered not compatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity of the site;
- (c) the development would cause adverse traffic impacts on the surrounding areas and no assessment had been conducted to address the issue; 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.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/430 Temporary Open Storage of Metal Parts with Ancillary Workshop
for a Period of 3 Years
in “Undetermined” zone,
Lots 748 (Part), 797 (Part) and 798 (Part) in D.D. 117,
Kung Um Road,
Yuen Long
(RNTPC Paper No. A/YL-TYST/430)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of metal parts with 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 residential structures to the immediate east and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD); 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 assessment made in paragraph 12 of the Paper. The area was intended for open storage uses and similar applications had been approved by the Committee in the area. The development was not incompatible with the surrounding areas. The application was generally in line with the TPB PG-No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the imposition of approval conditions. Regarding DEP's concern on the environmental nuisance, it could be addressed by imposing approval conditions as recommended in paragraphs 13.2(a) to (c) of the Paper. Since the last two approvals (Applications No. A/YL-TYST/288 and A/YL-TYST/376) were revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application by the Committee.

136. Members had no question on the application.

Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (d) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.9.2009;
- (f) in relation to (e) above, the implementation of 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 5.12.2009;
- (g) 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 5.9.2009;

- (h) in relation to (g) 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 5.12.2009;
- (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 the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application;
- (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 comments that his office reserved the right to take lease enforcement action against the erection of structures on the site. It was noted that the applicant was not a registered owner and the site involves portions of lots. As it was his policy to issue Short Term Waiver (STW) to the registered

owner on whole lot basis, the lot owners should apply for STW to regularize any structures erected/to be erected on the site and, for the purpose of applying for STW, the owners should carve out the lots concerned according to the application site boundary. Should no application be received/approved and the irregularities persist on the site, his office on review of the situation would take appropriate action according to the established lease enforcement programme. Moreover, the site was accessible by a short track from Kung Um Road, which ran through open private land and Government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way;

- (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 Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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;

- (i) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. The use of containers as offices or store were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)Rs) Part VII. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D; and
- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the

proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/431 Temporary Open Storage of Construction Equipment
(including Containers) with Minor Repairing Works for Containers
for a Period of 3 Years
in “Undetermined” and “Village Type Development” zones,
Lot 319 in D.D. 119,
Shan Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/431)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction equipment (including containers) with minor repairing works for containers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period.

However, an out-of-time comment was received and the objector opined that the movement of heavy vehicles in the village would affect the safety and health of the villagers and children and the noise nuisance would make people restless; 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 assessment made in paragraph 12 of the Paper. The majority of the site fell within “Undetermined” (“U”) zone (i.e. about 85.5%) with a minor portion straddling the adjacent “Village Type Development” (“V”) zone (i.e. about 14.5%). There were similar applications in this part of the “U” zone which had been approved by the Committee. The application was generally in line with the TPB PG-No. 13E that the concerns of relevant departments were technical in nature which could be addressed through the imposition of approval conditions. Although about 14.5% of the site fell within the “V” zone, DLO/YL, LandsD advised that there was no Small House application within this part of the “V” zone currently. In this regard, the temporary nature of the application would not affect the long-term provision of land for Small House development. The development was not incompatible with the surrounding areas. Other than DEP, Government departments consulted generally had no adverse comment on the application. DEP's concerns could be addressed by imposing approval conditions restricting the operation hours and prohibiting the use of heavy vehicles and tractors/ trailers as recommended in paragraphs 13.2(a) to (c) of the Paper. Since the last approval (Application No. A/YL-TYST/351) was revoked due to non-compliance with approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

140. Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 5.6.2012, 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 5:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (d) the stacking height within the application site should not exceed 7.5m as proposed by the applicant;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.9.2009;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2009;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not

complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application;
- (d) to resolve any land issue 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 it was his policy to issue Short Term Waiver (STW) to the registered owner on whole lot basis. Should the application be approved, the registered owners should apply for STW to regularize any structures erected/to be erected on the site. Should no STW application be received/approved and structures were found on the site indeed, his office would take appropriate action according to the established district lease

enforcement programme. The site was accessible by a track from Shan Ha Road which ran through open Government land without maintenance works to be carried out thereon by his office. The access might affect the project limit of Water Supplies Department (WSD)'s "Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction" project. His office would not guarantee 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 Department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Engineer/Development (2), WSD's comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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
- (j) to note the Director of Electrical and Mechanical Services' comments that

the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Item 37

Any Other Business

143. There being no other business, the meeting was closed at 5:35 p.m..