

TOWN PLANNING BOARD

**Minutes of 397th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 19.6.2009**

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

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

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

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

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 396th RNTPC Meeting held on 5.6.2009

[Open Meeting]

1. The Secretary reported that amendments to the draft minutes of the 396th RNTPC meeting held on 5.6.2009 proposed by Mr. Ambrose Cheong, the Chief Traffic Engineer/New Territories East, Transport Department (CE/NTE, TD) were received. Mr. Cheong suggested to add at the end of paragraph 49(c) under agenda item 14 on page 43 the following sentence:

“Transport department 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.”

2. The Committee agreed the proposed amendments and the minutes of the 396th RNTPC meeting held on 5.6.2009 were confirmed subject to the incorporation of the proposed amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-LTY Y/2 Application for Amendment to the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6 from “Residential (Group C)” and “Government, Institution or Community” to “Comprehensive Development Area”, Lots 809 RP, 810, 811, 1135 SA RP, 1141 RP, 1142 SA RP, 1143 RP, 1147 RP in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/2)

4. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) and Mr. Alfred Donald Yap who had current business dealings with Henderson, had declared an interest in this item. The Committee noted that Mr. Yap had not yet arrived to join the meeting.

5. The Committee noted that a letter dated 11.6.2009 from the applicant clarifying the term “community plaza” was equivalent to “market square” in the Supplementary Information Paper No. 2 and the applicant would provide not less than 610m² for the market square was tabled for members’ information.

Presentation and Question Sessions

6. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)
- Mr. C.C. Lau - Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL)

7. The following applicant and his representative were invited to the meeting at this

point:

Ms. Karen Seddon
Ms. Cindy Tsang
Mr. Gary Lui
Mr. Denis Ma
Mr. Tony Cheng
Mr. Mathew Lennartz

8. The Chairperson extended a welcome and explained the procedures of the hearing. She then invited Mr. C C Lau, STP/TMYL to brief Members on the background of the application.

9. Mr. C. C. Lau, STP/TMYL presented the application with the aid of a powerpoint and covered the following main points:

The Proposal

- (a) the proposal was to rezone the application site with a site area of about 8,198m² from “Residential (Group C)” “R(C)” and “Government, Institution or Community” (“G/IC”) to “Comprehensive Development Area” (“CDA”). The total plot ratio (PR) of the “CDA” zone would be 1.4 with a maximum domestic PR of 1.24 and non-domestic PR of 0.16. There would be five residential blocks with building heights from 7 storeys to 11 storeys including ground floor. In addition to retail and club house facilities, a community plaza with an area of 610m² open for public use was proposed. Building blocks would be set back from Fuk Hang Tsuen Road for footpath widening, landscaping, provision of pedestrian crossing and vehicle lay-by;
- (b) the site was the subject of two previous planning applications for residential and commercial development with proposed domestic PR of 3.3 and 0.4 respectively. They were rejected on 15.10.1993 and 13.9.1996. It was also the subject of an objection against an amendment to the OZP on the “G/IC” portion of the site. The objector proposed to rezone the “G/IC” portion to “R(C)” with a PR of 0.4. The objection was not upheld by the

Board on 21.5.1999. The reasons for rejection were set out in paragraph 4.3 of the RNTPC Paper.

The Application Site

- (c) the subject site was currently used as a public vehicle park. It was bounded by the elevated Kong Sham Western (KSW) Highway on the east and Fuk Hang Tsuen Road on the west with medium-rise residential development on the other side of Fuk Hang Tsuen Road. The predominant uses in the surrounding area included low-rise houses mainly under “R(C)” and “Residential (Group D)” zonings, open storage, rural industries and workshops;

[Ms. Anna Kwong arrived to join the meeting at this point.]

Major department comments

- (d) the District Lands Officer/Tuen Mun opined that the applicant had not stated the future management and maintenance arrangement of the public facilities. The Chief Town Planner/Urban Design and Landscape had reservation on the application as the site suffered from severe constraints such as its closeness to KSW Highway and its narrow triangular shape that would limit the design flexibility of the proposed scheme. The Secretary for Education (SED) indicated that the site was no longer needed for a primary school. The Director of Environmental Protection requested an up-to-date Environmental Impact Assessment to facilitate him to form a view on the application. The Director of Leisure and Cultural Services had no comment provided that the construction, management and maintenance responsibilities of all the public open spaces within the development would be borne by the developer. Other concerned Government departments had no objection to the rezoning proposal;

Public comments

- (e) during the four rounds of public consultation, 50 public comments from 35 commenters were received. The commenters included Tuen Mun District Councilors, Tuen Mun Rural Committee, Tuen Mun Northeast Area

Committee, village representatives of nearby villages, Incorporated Owners of nearby residential developments, representatives of nearby G/IC facilities and private individuals. They all objected to the rezoning application on grounds of depriving the opportunity for provision of G/IC facilities, increase of development intensity and thus population, burden on infrastructural provision, excessive building height, wall effect and incompatibility with the surrounding areas; and

Planning Department (PlanD)'s views

- (f) PlanD did not support the rezoning proposal based on the assessment as detailed in paragraph 11 of the Paper. The proposed development was not in line with the general planning intention of Lam Tei as a local centre to serve the residents in the area. Although the site was no longer required for school use, it was necessary to retain the site for G/IC facilities to cater for the long term needs of the population and to align with the general planning intention of the area as local centre with G/IC facilities. The public facilities proposed including set-back for footpath widening, provision of community plaza, pedestrian crossing and vehicles lay-by were inadequate to compensate for the loss of 5,657m² G/IC land. Moreover, in the absence of a well-defined responsibility and maintenance arrangement acceptable to Government departments, there would be difficulties to realize the planning gains. The proposed development was considered excessive in terms of development scale, intensity and building height. There would be almost nine-fold increase in domestic gross floor area (GFA) (9,393m²) when compared with the permitted GFA of the current "R(C)" zone (980.4m²) and the building height was increased from 3 storeys allowed under the current "R(C)" zone to 7 - 11 storeys under the proposed "CDA" zone. The proposed development with domestic PR of 1.24 would be incompatible with the surrounding "R(C)" and "R(D)" zones with PR of 0.4 and 0.2 respectively. While there were site constraints imposed by the adjacent KSW Highway, no updated environmental impact assessment and no visual impact assessment (VIA) were submitted to support the application. The approval of the rezoning application would set an undesirable precedent for similar rezoning application.

10. The Chairperson then invited the applicant's representative to give a presentation of the rezoning proposal. Ms Cindy Tsang presented the following main points of the rezoning application with the aid of a powerpoint:

The urgent need for rezoning

- (a) the existing application site remained as a state of planning blight since its rezoning was imposed since 1996. It was a result of the problem of implementation of the current planning intention associated with the "R(C)" and "G/IC" zonings. The site was the subject of objection against the "G/IC" zone when the first draft Lam Tei and Yick Yuen Outline Zoning Plan was gazetted on 7.6.1996. The objection was not upheld by the Board as the site was intended for a school. Despite the fact that SED had indicated in paragraph 9.1.9 of the RNTPC Paper No. Y/TM-LTY/2 that the site was no longer required for a primary school, the planning intention for school use was still stated in the Explanatory Statement of the OZP. In fact, all land within the "G/IC" zone was owned by the Applicant. As Government has no current practice to resume private land for G/IC purposes, the incompatibility of the zoning and land ownership would result in continued planning blight;
- (b) the application site was originally part of a larger area zoned "R(C)" and "G/IC" which were cut across by the KSW Highway. The KSW Highway had disturbed a large area of land originally planned for residential use. As a result, the implementation of the "R(C)" portion of the application site was infeasible in terms of achieving a sensible layout that was compatible with the massive and intrusive elevated highway;
- (c) the existing streetscape of Fuk Hang Tsuen Road was dull and uninviting along the frontage of The Sherwood on the west side and the open air carpark at the application site on the east side. There would be an opportunity to create a vibrant community with shops frontage on both sides of Fuk Hang Tsuen Road if the application site could be developed for comprehensive mixed uses;

- (d) the Applicant proposed to rezone the application site to “CDA” to rationalise the current fragmented land use pattern, overcome the existing situation of planning blight, support the growth of Lam Tei Local Centre under Smart Growth objectives, form a High Street along Fuk Hang Tsuen Road to create vibrancy and allow for creation of a “Community-Based” development proposal;

The indicative development proposal and its planning gains

- (e) in support of the proposed rezoning, the Applicant had put forward an indicative scheme which was based on a PR of 1.4. It comprised five residential blocks ranging from 7 to 11 storeys which were fully compatible with the adjacent development, i.e. The Sherwood with a PR of 2.1 and a maximum building height of 17 storeys. In the short term, the development scheme would help realize a number of planning gains including the provision of a community plaza of 610m² for public use, public space of 627m² by setting back the development for footpath widening, on-street lay-by for loading/unloading activities, enhanced pedestrian connectivity to the surrounding areas and dual street frontage along Fuk Hang Tsuen Road to enable a more attractive and vibrant community;
- (f) the development proposal would provide 188 flats for 525 persons to redress part of the loss in the total population due to the introduction of the KSW Highway which was estimated to be 670 persons. Hence, a domestic PR of 1.24 would not intensify the planned population in the area. Instead, it helped create a critical mass for sustainable development;
- (g) the proposal would create a high street environment by intensifying the retail development, enhancing pedestrian facilities and landscape amenity, improving the vibrancy of Lam Tei Local centre and removing the existing planning blight. The stepped height profile of 7 to 11 storeys proposed was a logical response to the 17-storey development at The Sherwood and the KSW Highway;

- (h) the proposed “CDA” zoning would not preclude inclusion of G/IC uses as many G/IC uses such as kindergarten, community hall and social welfare facility were commonly found in comprehensive development. Details of G/IC facilities to be incorporated could be addressed in the s.16 submission stage. “CDA” zoning was a more realistic zoning than the current zoning to achieve the planning intention of Lam Tei Local Centre with commercial and G/IC uses;

Technical feasibility of the proposed rezoning

- (i) Government departments had no major technical comments on the rezoning proposal. The only outstanding concern was raised by the Urban Design Unit of PlanD which had requested for a VIA. In this regard, a VIA was prepared based on three viewpoints;
- (j) from the viewpoint at Fu Tai Estate, Tuen Mun North which was the key viewpoint overlooking Lam Tei Local Centre, the proposed development was completely screened by the existing developments and there was no visual impact;
- (k) viewing from the north of Fuk Hang Tsuen Road, the indicative development was fully compatible with the surrounding built environment and created a coherent massing between KSW Highway and The Sherwood. The proposed community plaza would enable visual improvement at street level;
- (l) viewing from the south of Fuk Hang Tsuen Road, the indicative development would screen the KSW Highway as well as providing improved streetscape for pedestrian environment;

Conclusion

- (m) the current zonings of “G/IC” and “R(C)” were not implementable due to private land ownership and the fragmented “R(C)” zoning pattern. The strategic planning intention for Lam Tei Local Centre for commercial and G/IC uses could not be realised. The existing planning blight situation

would be prolonged; and

- (n) the proposed “CDA” zone would rationalise the current fragmented land use zoning and overcome the existing planning blight, compensate part of the population loss due to the KSW Highway, achieve a number of planning gains, provide commercial and G/IC uses within the future development according to the strategic planning intention, support the sustainable growth of Lam Tei Local Centre and add vibrancy to Fuk Hang Tsuen Road. The proposed zoning was technically sustainable, compatible with the surrounding environment and would result in visual improvement under the CDA zoning. Planning control over the future development could be ensured at s.16 application stage.

11. A Member noted that noise barrier was installed along KSW Highway. He asked if the rezoning proposal had been taken into account in the noise impact assessment under the Environmental Impact Assessment (EIA) of KSW Highway. Mr. C C Lau, STP/TMYL explained that the EIA was conducted based on the PR and building height restriction of the “R(C)” zone on the OZP. Mr. Tony Cheng added that the noise barrier design of the KSW Highway was based on the residential development at The Sherwood. The current rezoning proposal had included building height lower than The Sherwood and fixed window would be adopted on the building facade facing KSW Highway to minimize the traffic noise impact.

12. The Chairperson asked the applicant when he started to acquire the private lots falling within the “G/IC” zoning within the application site. Mr. Denis Ma responded that all land lots within the application site had been amalgamated by the Applicant but he did not have the exact timing of land acquisition. He could provide the information later if it was required by the Committee.

13. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairperson thanked the applicant and his representatives and PlanD’s representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

14. The Chairperson invited Members to consider whether the application site, being located close to KSW Highway, was desirable for residential use.

15. A Member said that the future development at the application site would be susceptible to traffic noise impact from KSW Highway and would in effect become a noise barrier between KSW Highway and The Sherwood. This Member considered that the location of the community plaza for public use was undesirable as it was close to KSW Highway. Hence, this Member had reservation on whether such provision could be considered as a planning gain and whether it could compensate the loss of the “G/IC” site.

16. The Chairperson said as the management responsibility of the proposed community plaza was not clear in the application, it was doubtful whether such provision would achieve the planning gain to compensate the loss of the “G/IC” site. Although there was no need for a primary school, the “G/IC” site had to be reserved to meet long term need of the local centre at Lam Tei.

17. A Member asked whether the Government would resume the private lots for “G/IC” development. The Chairperson said that the Government would resume land for “G/IC” development when there was a development programme for the G/IC use.

18. In response to a Member’s question regarding the applicant’s claim that there was a need to rezone the area to avoid planning blight, the Secretary stated that the lots within the application site were agricultural lots and the “G/IC” zoning would not affect the owner’s right to use the land for agricultural purpose.

19. The Chairperson remarked that part of the application site was the subject of an objection against this “G/IC” zoning in 1996. At that time, the objector requested the Board to rezone the site to “R(C)” with PR restriction of 0.4. She asked Members to consider whether there was any change in planning circumstances that would warrant a sympathetic consideration of the proposed application with a PR of 1.4.

20. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the proposed rezoning of the site to “Comprehensive Development Area” was not in line with the planning intentions of the “Government, Institution or Community” (“G/IC”) and “Residential (Group C)” (“R(C)”) zones which were intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments; and for low-rise, low- density residential developments. There were no strong justifications in the submission for deviation from the planning intentions of “G/IC” and “R(C)” zones;
- (b) there was a need to retain the “G/IC” zone to meet the long-term needs of the local community and the wider area. Although the proposed public facilities included in the scheme had some merits, it was considered that they were not adequate in compensating for the loss of the “G/IC” site of 5,657m²;
- (c) the proposed rezoning would substantially increase the development intensity and building height on the application site, resulting in excessive development scale and height; which would be out of context with the adjacent “R(C)” and “Residential (Group D)” zones to the east of Fuk Hang Tsuen Road;
- (d) there was no updated environmental impact assessment and no visual impact assessment submitted to demonstrate that the zoning amendment would not have adverse environmental and visual impacts; and
- (e) the approval of the application would set an undesirable precedent for similar rezoning application. The cumulative effect of approving such application would result in changing the character of the area.

Sai Kung and Islands District

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

Agenda Item 4

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/119-1 Application for Extension of Time for Commencement of the
Approved Low-Density Residential Development
for a Period of 4 Years
in “Residential (Group D)” and “Residential (Group E)” zones,
Various Lots in DD 210 and Adjoining Government Land,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/119-1)

21. The Secretary reported that Dr. James C. W. Lau had current business dealings with BMMK Ratchiffe Hoare & Co. Ltd. which was one of the consultants for this application and should declare an interest in this item. As Dr. James C. W. Lau confirmed that he had no pecuniary interest with the company, the Committee agreed that he could stay in the meeting and participate in the discussion and deliberation of this item.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) extension of time for commencement of a low-rise residential development;
- (c) departmental comments – District Officer/Sai Kung advised that a letter

from two Sai Kung District Council members, Chairman of Luk Mei Tsuen Mutual Aid Committee and Chairman of Sai Kung District Chiu Chow Clans Men's Association expressing their objections on the application had been received. The objections mainly requested the developer to maintain the existing vehicular access and construct new vehicular access for local villagers and public use. Assistant Commissioner for Transport/New Territories, Transport Department and other Government departments had no objection or no comment. District Lands Officer/Sai Kung commented that land exchange of the site was being processed; and

- (d) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment as detailed in paragraph 8 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 35A in that there was no material change in planning circumstances since the original planning permission was granted; no adverse planning implication was anticipated from the extension of time; all Government departments had no adverse comments; the applicant had demonstrated efforts in implementing the approved development; and the extension period was acceptable to allow more time to resolve the outstanding issues.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid for 4 years up to 24.6.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced. The permission was subject to the following conditions :

- (a) the setting back of the development from the road kerb of Hiram's Highway to avoid encroachment upon the project limit of Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove and

Improvement to Local Access to Ho Chung to the satisfaction of Director of Highways or of the TPB;

- (b) the provision of emergency vehicular access, fire fighting water supplies and fire service installations to the satisfaction of Director of Fire Services or of the TPB; and
- (c) no population intake should be allowed before the completion of the Dualling of Hiram's Highway between Clear Water Bay Road and Marina Cove.

25. The Committee also agreed to advise the applicant :

- (a) to note that further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, a fresh application under section 16 of the Town Planning Ordinance was required. The TPB Guidelines Nos. 35A and 36 should be referred to for details;
- (b) to liaise with Construction Division, Water Supplies Department to resolve any interface issues;
- (c) to liaise with the District Lands Officer/Sai Kung regarding the land exchange for the proposed development;
- (d) to liaise with the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department regarding the detailed requirement of the access road;
- (e) to liaise with the District Officer/Sai Kung with a view to address the local concerns related to the proposed development; and
- (f) to liaise with the Director of Environmental Protection regarding the design

and provision of sewage treatment facilities/sewer connections to the application site.

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

Sha Tin, Tai Po and North District

[Ms. Stephanie P.H. Lai, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/11 Application for Amendment to the Approved Sha Tin
Outline Zoning Plan No. S/ST/23 from "Village Type Development"
to "Government, Institution or Community", To Wing Yuen,
No. 179 Pai Tau Village, To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/11)

Presentation and Question Sessions

26. The Committee noted that the applicant's representative on 12.6.2009 and 16.6.2009 had requested for deferment of the consideration of the application to a further date in order to allow time to prepare more detailed technical assessments and information to address departmental comments.

Deliberation Session

27. 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-SC/1 Proposed Temporary Ecological Enhancement Works
For a Period of 3 Years
in “Agriculture” and “Coastal Protection Area” zones,
Various Lots in D.D. 190 and D.D. 203 and Adjoining Government
Land, Sham Chung
(RNTPC Paper No. A/DPA/NE-SC/1)

28. The Secretary reported that the application was submitted by two subsidiaries of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap and Mr. Cheng could stay at the meeting.

Presentation and Question Sessions

29. The Committee noted that the applicant’s representative on 2.6.2009 had requested for deferment of the consideration of the application for three months in order to allow time to examine the latest amendments incorporated in the draft Sham Chung Outline Zoning Plan No. S/NE-SC/1 and the associated implications on the application, as well as to prepare responses to departmental comments.

Deliberation Session

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the

applicant. The Committee 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/274 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 643 S.E in D.D. 100, Tsiu Keng Village, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/274)

Presentation and Question Sessions

31. The Committee noted that the applicant’s representative on 3.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address public comments.

Deliberation Session

32. 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 Items 8 to 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/275 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 642 S.C in D.D. 100, Tsiu Keng Village, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/275)

A/NE-KTS/276 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 642 S.D in D.D. 100, Tsiu Keng Village, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/276)

A/NE-KTS/277 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 642 S.B in D.D. 100, Tsiu Keng Village, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/277)

Presentation and Question Sessions

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

- (a) background to the applications highlighting that three planning applications submitted by the same applicants for the same uses were approved in 2003 and 2004. Since the construction of the small houses had not commenced, the planning permissions had lapsed in 2007 and 2008;
- (b) three proposed houses (New Territories Exempted House (NTEH) -Small House);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application sites and the adjacent areas were graded good agricultural land with high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible. Other concerned departments had no objection;
- (d) three public comments indicating ‘no comments’ on the three applications respectively were received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment as detailed in paragraph 12 of the Paper. The applications were in line with the ‘Interim Criteria for Assessing Planning Applications for NTEH/Small Houses Development in the New Territories’ in that the footprints of the houses fell entirely with the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. The proposed houses were considered not incompatible with the surrounding village setting and rural environment. Although there were reservations from DAFC and AC for T/NT, TD, seven similar cases nearby had been approved by the Committee. Therefore, sympathetic considerations could be given to the applications.

34. Members had no question on the applications.

Deliberation Session

35. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 19.6.2013, and after the said date, each permission should cease to have effect unless before the said date, the developments permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the application site was located within WSD flooding pumping gathering ground;
 - (ii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/393 Temporary Sawmill and Warehouse for Building Materials
for a Period of 3 Years in “Recreation” zone,
Lot 567 s.B RP (Part) and Adjoining Government Land in DD 85,
Lau Shui Heung Road, Tai Wo, Fanling
(RNTPC Paper No. A/NE-LYT/393)

Presentation and Question Sessions

37. 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 highlighting that the sawmill use was an existing use which was in existence immediately before the first publication of the Lung Yeuk Tau and Kwan Tei South Interim Development Permission Area Plan on 17.8.1990;
- (b) proposed temporary sawmill and warehouse for building materials;
- (c) departmental comments – the Director of Environmental Protection (DEP) had concerns on the environmental nuisance generated from trucks delivery to and from the site that might affect nearby sensitive receivers. However, no environmental complaint had been received in the past three years. Other departments had no objection or comment;
- (d) District Officer (North) advised that the Chairman of the Fanling District Rural Committee, Resident Representatives and Indigenous Inhabitant Representatives of San Tong Po and Lau Shui Heung had no comment. One public comment indicating no comment was received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated based on the assessment as detailed in paragraph 11 of the Paper. Although the proposed use was not in line with the planning intention of the “Recreation” zone, the use of the application site as sawmill was an “existing use”. The current application was to make use of the existing warehouse for storage of building materials. The proposed uses under application were similar in nature with the “existing use” and were not incompatible with the surrounding land uses which comprised mainly open storage yards and warehouses. DEP's concerns on environmental nuisance could be addressed by imposing approval condition to restrict the operating hours.

38. Mr. Simon Yu, Assistant Director (New Territories), Lands Department clarified that the last sentence in paragraph 9.1.2 of the Paper was not entirely correct. He advised that the right of way passed through other private lots and its use would be subject to the permission of the concerned lot owners. Mr. Ambrose Cheong, Chief Traffic Engineer/New Territories East, Transport Department suggested adding an advisory clause to request the applicant to resolve the land matters with the concerned private lot owners regarding the provision of vehicular access.

39. In response to the Chairperson's enquiry, Ms. Stephanie Lai replied that there was a standard advisory clause requesting the applicant to resolve land issues with concerned land owners. The Committee agreed to add an advisory clause to that effect.

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

Deliberation Session

40. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 8:00 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 submission of a detailed layout plan showing vehicular access, car parking, loading/unloading spaces and manoeuvring spaces arrangement within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.12.2009;
- (d) in relation to (c) above, the provision of vehicular access, car parking, loading/unloading spaces and manoeuvring spaces within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.3.2010;
- (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 19.12.2009;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.3.2010;
- (g) the submission of design of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB 19.12.2009;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB 19.3.2010;
- (i) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;

- (j) in relation to (i) above, the implementation of the landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2010;
- (k) 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; and
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

41. The Committee also agreed to advise the applicant:

- (a) to implement the environmental measures recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any possible environmental nuisance;
- (b) to note District Lands Officer/North, Lands Department's comments that the owner of the subject lot should submit formal application to his office to apply for a Short Term Waiver to regularize the existing structures on site;
- (c) to resolve any land matter associated with the right of way to the application site with the concerned private lots owners; and
- (d) to note Chief Engineer/Development (2), Water Supplies Department's comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/394 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years under Application No. A/NE-LYT/335 in “Agriculture” zone, Lot 1511 RP (Part) in D.D.83, Wing Ning Wai, Fanling (RNTPC Paper No. A/NE-LYT/394)

Presentation and Question Sessions

42. 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 renewal of planning approval for a temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – all Government departments had no objection to the application;
- (d) District Officer/North advised that the concerned North District Council member cum Indigenous Inhabitant Representative (IIR) of Lung Yeuk Tau, Resident Representative and IIR of Lung Yeuk Tau supported the application. However, the Chairman of Fanling District Rural Committee and another IIR of Lung Yeuk Tau raised objection to the application on the grounds of drainage and traffic impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed development could be tolerated based on the assessment in paragraph 11 of the Paper. The previous application for the same use at the subject site had been approved with conditions by the Committee and all the approval conditions had been complied with. The proposed

development was considered not incompatible with the surrounding land uses. Although there were local objections on drainage and traffic grounds, it should be noted that both the Chief Engineer/Mainland North, Drainage Services Department and Assistant Commissioner for Transport/New Territories, Transport Department had no in-principle objection to the application and relevant approval conditions would be imposed to minimize the drainage and traffic impacts. Sympathetic consideration could be given to the application.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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 planning approval period;
- (b) the existing drains within the application site should be maintained at all times during the planning approval period;
- (c) the setting back of the site boundary to avoid encroachment on the Temporary Occupation Area of the project namely “ PWP Item No. 339DS – North District Sewerage Stage 1 Phases 2B and 2C and Stage 2 Phase 1 (Part) – Village Sewerage at Wing Ning Tsuen, Wing Ning Wai and Ma Wat Wai, Fanling, N.T.” as and when required by the Director of Drainage Services or the TPB;
- (d) the replacement of a missing tree previously planted on the site under Application No. A/NE-LYT/335 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by

19.9.2009;

- (e) the submission of a layout plan and site photos showing the proposed vehicular access to/from the site and the car parking spaces arrangement within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.9.2009;
- (f) the submission of a drainage record plan and site photos within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2009;
- (g) 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; and
- (h) if any of the above planning conditions (d), (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

45. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Office/North for a Short Term Waiver for regularization of the temporary structures erected on site;
- (b) to note Chief Engineer/Development (2), Water Supplies Department's comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (c) that the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the

permission.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/76 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 196, Tai Shui Hang Village, Ma On Shan
(RNTPC Paper No. A/MOS/76)

Presentation and Question Sessions

46. 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 House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – no objection was received from Government departments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer/Shatin; and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The proposed Small House complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the footprint of the proposed Small House fell entirely within the village ‘environs’ of Tai Shui Hang Village and there was a general

shortage of land in the “Village Type Development” zone of Tai Shui Hang Village to meet the Small House demand. Although part of the application site fell within the “Green Belt” zone, no significant vegetation was found within the application site. The proposed Small House was not incompatible with the surrounding rural environment. There was no objection against the application from the Government departments and the public.

47. Members had no question on the application.

Deliberation Session

48. 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 19.6.2013, 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 submission of drainage proposal and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

49. The Committee also agreed to advise the applicant :

- (a) to note that the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, 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 Water Supplies Department’s standards;
- (b) to limit the extent of tree trimming to the minimum necessity and adopt good site practice to avoid disturbance to nearby trees during the works;
- (c) to submit a Geotechnical Planning Review Report to the Director of Civil Engineering and Development for further assessment;

- (d) to note that fire fighting access, water supplies and fire service installations have to be provided to the satisfaction of the Director of Fire Services and fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department to the Fire Services Department;
- (e) to approach the electricity supplier for the requisition of cable plans and take necessary measures if underground cable and/or overhead line within or in the vicinity of the application site was found; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained 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' enquires. Ms. Lai left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376 Proposed Comprehensive Residential Development (with Minor Relaxation of the Site Coverage Restrictions for the Proposed Podium to a Site Coverage of below 40% and Minor Relaxation of Building Height Restrictions to 10 Storeys above a Landscaped Recreational and Carpark Podium with E/M and other Ancillary Facilities) in “Comprehensive Development Area” zone, Various Lots in DD 374 and 375 and adjoining Government Land, Area 56, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/376)

50. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y.K. Cheng, having current business dealings with SHK, had declared interests in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap and Mr. Cheng could stay at the meeting.

Presentation and Question Sessions

51. The Committee noted that the applicant’s representative on 4.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the comments of Environmental Protection Department.

Deliberation Session

52. 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 since

the consideration of the subject application had been deferred for four times for a total period of 8 months, no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/380 Proposed Religious Institution (Church) in “Open Space” zone,
Lots 491 (Part), 492 (Part), 495 R.P., 498 R.P., 500 (Part),
501 (Part) and 502 R.P. (Part), 503, 717 R.P. in DD 374 and
Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/380)

Presentation and Question Sessions

53. The Committee noted that the applicant’s representative on 21.5.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare technical assessments to address comments from Government departments.

Deliberation Session

54. 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 since the consideration of the subject application had been deferred 3 times for a total period of 6 months, no further deferment would be granted unless under very special circumstances.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/62 Temporary Place of Recreation (War Game Playground)
For a Period of 3 Years in “Green Belt” zone,
Lots 399 RP (Part), 400 (Part), 401 (Part), 405 (Part), 406 (Part),
407 (Part), 408-410, 411 RP, 412, 413, 425, 427, 428 RP, 429 RP,
430 RP, 433, 439, 440 RP, 451, 453-458, 464-471, 474, 475, 477, 478,
485-488, 489 RP (Part) in DD 378 and Adjoining Government Land,
So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM-SKW/62)

Presentation and Question Sessions

55. 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) temporary place of recreation (war game playground) for a period of 3 years;
- (c) departmental comments –although the site was within the 1,000m consultation zone for Tai Lam Chung No. 2 Chlorination Station, the Director of Environmental Protection had no comment on the application as significant risk was not anticipated. The Chief Engineer/Development, Water Supplies Department (CE/Dev, WSD) considered that approval conditions should be incorporated to ensure the normal operation of the waterworks reserve and unimpeded vehicular access to the road leading to WSD tunnel portal “D”. The Director of Agriculture, Fisheries and Conservation did not favour the application as the proposed development might cause noise nuisance and adverse impact on the natural vegetation outside the application site. The Chief Town Planner/Urban Design and Landscape had no objection from landscape viewpoint as the application

was not incompatible with the surrounding environment. However, she recommended to impose an approval condition requesting submission of tree preservation proposal;

- (d) two public comments were received during the statutory public inspection period. One of them was submitted by Kadoorie Farm and Botanic Garden Corporation indicating no objection to the development but a tree preservation proposal should be required. The other public comment was submitted by the village representatives of So Kwun Wat Tsuen objecting to the application on the grounds that the proposed development would affect villagers visiting the nearby So Kwun Wat burial ground and may accidentally harmed the passer-bys.; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated based on the assessment in paragraph 12 of the Paper. Although the application site was within the “Green Belt” zone, the proposed development was generally in line with the relevant TPB Guideline as it would not involve extensive clearance of vegetation; it would not be incompatible with the natural and rural character of the surroundings; its development scale would not cause significant impact on the infrastructural provision of the area.

56. A Member enquired if the proposed use as part of the application site (i.e. zone 1) located to the north of the Water Supplies Department (WSD)'s access road would affect villagers visiting the So Kwun Wat burial ground nearby especially when the site was relatively small and it might be difficult to contain the war game activity inside the site. The Chairperson also asked whether this part of site could be excluded from the proposed development. In response, Mr. C. C. Lau explained that this part of the application site was one of the war game zones and it was adjacent to the existing carparking area of the burial ground. Approval condition requesting the provision of protective fencing on the application site had been recommended to ensure pedestrians' safety.

57. The same Member raised concerns on the impact of the plastic bullets on the existing trees and the cleaning up of these bullets. Mr. C. C. Lau explained that the applicant

had indicated in the planning submission that vacuum cleaner would be used to collect the used plastic bullets. The shooting activities would be targeted in a direction towards the inner part of war game zones and the site would be fenced off to control the effect caused by the war game activities.

Deliberation Session

58. Members noted that the war game activities might have potential conflict with the villagers especially for the site to the north of the WSD's access road (i.e. zone 1 of the application site). The Chairperson said that the conflict could be reduced if the zone 1 site was excluded from the application site. Moreover, an advisory clause requesting the applicant to pay attention to manage the war game activities to avoid impacts on the surrounding environment and villages should be added.

59. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012 on the terms of the application as submitted to the Town Planning Board (TPB), except for the zone 1 site, and subject to the following conditions :

- (a) no war game activities were permitted on the zone 1 area as delineated in the application;
- (b) no operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the set back of the development to avoid encroachment onto the waterworks reserve within the application site at all times during the planning approval period;
- (d) the submission of design of protective fence within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;

- (e) in relation to (d) above, the provision of protective fence within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2010;
- (f) the submission of 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 19.12.2009;
- (g) in relation to (f) above, the implementation of 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 19.3.2010;
- (h) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (i) in relation to (h) above, the implementation of fire service installation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2010;
- (j) 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 19.12.2009;
- (k) in relation to (j) above, the implementation of the 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 19.3.2010;
- (l) if any of the above planning condition (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;
- (m) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j) or (k)

was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

60. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to manage the war game activities to avoid impacts on the surrounding environment and villages;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to maintain unimpeded vehicular access to staff of Water Supplies Department or their contractor at all times for staff of Water Supplies Department & their contractor to carry out construction, inspection, operation, maintenance & repair works during the planning approval period;
- (e) to note District Lands Officer/Tuen Mun, Lands Department's comments on the need to apply for a Short Term Waiver and a Short Term Tenancy to regularize the unauthorized structures on the lots and occupation of Government land respectively;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant was responsible for his own access arrangement;

- (g) 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 mitigate any potential environmental nuisances;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that appropriate measures should be adopted to control the effect caused by war games and their players and to prevent plastic bullets from scattering outside the site;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that details of the formation work should be submitted to Director of Water Supplies for approval prior to commencement of works. There was a raw water main within the site and the Government should be under no liability whatsoever to the applicant for any loss or damage howsoever arising in connection with or as a consequence of a main leak or main burst; and water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all the unauthorized structures on site 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 Buildings Ordinance. 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 note that if the site did not abut a street of not less than 4.5m wide, development intensity of the site should be determined under Building (Planning) Regulation 19(3) at building plan submission stage.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/167 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 1162 S.A ss.1 S.A in D.D. 123, Fuk Hing Tsuen, Wang Chau,
Ping Shan Heung, Yuen Long
(RNTPC Paper No. A/YL/167)

Presentation and Question Sessions

61. The Committee noted that the applicant’s representative on 4.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare landscape mitigation measures proposal to address the Chief Town Planner/Urban Design and Landscape’s comments.

Deliberation Session

62. 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/YL-PS/302 Temporary Vehicle Repair Workshop for a Period of 3 Years
in Mostly “Residential (Group B) 1” zone,
Lots 131 (Part), 132RP (Part) and 135RP (Part) in D.D. 121,
Tong Fong Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/302)

Presentation and Question Sessions

63. The Committee noted that the applicant’s representative on 11.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address some technical issues.

Deliberation Session

64. 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.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/366 Temporary Retail Shop for Vehicle Parts and Accessories with Ancillary Facilities for a Period of 3 Years in “Residential (Group D)” zone, Lots 16S.B RP (Part), 47 (Part), 170RP, 174S.C RP(Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/366)

Presentation and Question Sessions

65. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject application site involved four previously approved applications. The last one No. A/YL-ST/283 had lapsed on 24.6.2008. All approval conditions were complied with. The current application was submitted for the same use at the same location;
- (b) temporary retail shop for vehicle parts and accessories with ancillary facilities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection had no strong view if the site was strictly used as a temporary retail shop for sale of vehicle parts and accessories. Approval conditions requiring no heavy vehicles and no car washing, dismantling and repairing works on-site should be imposed. Other Government departments had no objection;
- (d) the District Officer (Yuen Long) received an objection letter from the villagers. They objected the application as the fencing along the application site obstructed the access to the villagers’ houses and the traffic movements on-site and the uneven road surface would create severe noise and dust

nuisance to the nearby residents. The Applicant had responded that an access to the villagers had been provided. No public comment was received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary retail shop could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The subject use was not incompatible with the surrounding land uses including retail shop for vehicle parts, open storage yards, vehicle parks and vehicle repair workshops. The proposed development would not frustrate the long term planning intention of the “Residential (Group D)” zone as there was no development proposal for this part of the zone. Approval conditions to address department's technical concerns and the villager's concerns on traffic movement and environmental nuisance were recommended.

66. In response to the Chairperson's enquiry, Ms. S. H. Lam clarified that the first floor of the 2-storey structure within the site was used as the retail shop and office while the ground floor was used for storage purpose, occupying a total gross floor area of about 178m².

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (c) the existing vegetation on the site should be maintained at all times during

the planning approval period;

- (d) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;
- (f) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.12.2009;
- (g) in relation to (f) above, the provision of a run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.3.2010;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2010;
- (j) the paving of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

68. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note District Lands Officer/Yuen Long's comments that the site included some Government land (GL) and Old Schedule Agricultural Lots held under the Block Government Lease upon which no structures were allowed to be erected without prior approval from his Office. His Office had received an application of Short Term Waiver (STW) from the owner of Lot 174S.C RP in D.D. 105 and an application of Short Term Tenancy (STT) from the authorized agent for the regularization of structures and occupation of GL respectively. In addition, part of the site lay on GLA-TYL 802. An entrance at the south of the site opened to the above-mentioned GLA that led to Shek Wu Wai Road. His Office did not guarantee right-of-way nor provide maintenance service for the access on

GL outside public road. Should planning approval be given, his Office would process the STT and STW application to regularize the irregularities;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on-site; and his detailed comments were indicated in Appendix IV in the Rural and New Town Planning Committee (RNTPC) paper;
- (h) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V in the RNTPC paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should

not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as offices, shop and store were considered as temporary structures and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new work, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains within the site would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (k) to note the Project Manager/New Territories North and West, Civil Engineering and Development Department's comment that the site was in close proximity to the limit of his project no. 7259RS 'Cycle Tracks Connecting North West New Territories with North East New Territories'. The site should not encroach onto the limit of the project; and
- (l) to liaise with the nearby residents on the access arrangement.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/367 Renewal of Planning Approval for Temporary Open Storage of New Left-hand-drive Vehicles Prior to Sale under Application No. A/YL-ST/313 for a Period of 3 Years in “Undetermined” zone, Lot 2 (Part) in D.D. 96 and Lots 101(Part), 102(Part), 153(Part), 154, 155, 156(Part), 157(Part), 174, 178(Part), 183(Part) and 184(Part) in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/367)

Presentation and Question Sessions

69. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that there was four previously approved applications. The last one would lapse on 21.7.2009. The current application involved a renewal of the last planning permission for the same use at the same location. The application site fell within Wetland Buffer Area and Category 3 areas under the TPB Guidelines No. 12B and 13E respectively;
- (b) temporary open storage of new left-hand-drive vehicles prior to sale;
- (c) departmental comments – The Commissioner of Police (C of P) objected the application as the volume of traffic along Lok Ma Chau Road had increased significantly since the commissioning of the Spur Line Control Point and the Public Transport Interchange (PTI). The situation had been aggravated by allowing many buses accessing the PTI. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) however considered that Lok Ma Chau Road had adequate capacity to handle the observed traffic flows and had no objection. The Director of Environmental Protection (DEP) advised that no pollution

complaint against the site was received but he did not support the application as there were sensitive receivers in the vicinity;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long);
- (e) the Planning Department (PlanD)'s views - PlanD considered that the temporary open storage use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The site was within the Wetland Buffer Area (WBA) as defined under Town Planning Board (TPB) Guidelines No. 12B. According to the Guidelines, applications for new open storage or port back-up uses within the WBA would normally not be allowed. However, open storage or container back-up uses located close to the Lok Ma Chau Crossing and without involving pond filling might be sympathetically considered. DAFC had no adverse comment on the application on the understanding that the site had been degraded and the proposed use was similar to the adjoining uses in the vicinity, comprising mainly vehicle parks and open storage yards. In this regard, the development was considered in line with TPB Guidelines No. 12B in that the development would not have adverse off-site disturbance impacts on the fish ponds and wetlands within the Wetland Conservation Area. The site falls within Category 3 areas under the TPB Guidelines No. 13E. The development was considered in line with Guidelines in that there were previous approvals, there was no local objection and, there were no major adverse departmental comments or objection to the application or their comments could be addressed through the implementation of approval conditions. The area was zoned "Undetermined" for the Spur Line and the proposed Northern Link railway system. Its long-term use will need to take into account the future development at Lok Ma Chau Loop. Prior to a review of the subject "U" zone, approval on a temporary basis would not frustrate the long-term use of the "U" zone. To address DEP's concern, approval condition restricting the operation hours and the activity on-site had been recommended. Although C of P had raised adverse comments on

traffic grounds, TD had no objection to the application. Technical concerns of other Government departments could be addressed by way of approval conditions.

70. Members had no question on the application.

Deliberation Session

71. A Member expressed concerns on the traffic flow of Lo Ma Chau Road since the opening of the Spur Line Control Point and the PTI but this Member noted that TD had no objection to the application. The Chairperson said that there would unlikely be frequent vehicular movement in and out of the site as the site was proposed for the storage of left-hand-drive vehicles prior to sale.

72. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (c) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;

- (f) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (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 19.3.2010;
- (h) 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;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

73. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the application site includes Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Should planning approval be granted, the registered owner was reminded to apply for a Short Term Waiver (STW) if structures out of the coverage of STW 3217 were erected thereon. The site was accessible by open Government Land abutting Lok

Ma Chau Road, which no maintenance works would be carried out thereon nor right-of-way would be guaranteed by his Office;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) 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-site;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(2) during building plan submission stage;
- (f) to note the Director of Fire Services’ comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI in the Rural and New Town Planning Committee paper; and
- (g) to note the Chief Engineer/Development (2), Water Supplies Department

(WSD)'s comment that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/368 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/351
for a Period of 2 Years in "Village Type Development" zone,
Lots 3071 S.A, 3071 RP, 3073 and 3077 in D.D. 102 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/368)

Presentation and Question Sessions

74. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting that there were four previously approved applications for the same use at the same location. The site was covered by a valid planning permission which would lapse on 4.7.2009. The current application was to renew the existing planning permission;
- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/351 for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

advised that no pollution complaint against the site was received but he did not support the application because there were sensitive receivers in the vicinity of the site. District Lands Officer/Yuen Long (DLO/YL) advised that there were eight applications for Small Houses within the application site of which one was under processing and the remaining seven were yet to be due for processing. The applicant of the Small House under processing would not commence the construction of the small house within two years. Therefore, DLO/YL had no objection to the application. Other concerned Government departments had no objection;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park could be tolerated for a period of 2 years based on the assessment in paragraph 12 of the Paper. The site was located within the Wetland Buffer Area as defined under Town Planning Board Guidelines No. 12B. According to the Guidelines, open storage or container back-up uses located close to the Lok Ma Chau Crossing and without involving pond filling might be sympathetically considered by the Board. Although the temporary public car park was not entirely in line with the planning intention of the “Village Type Development” zone, it could satisfy some of the local parking demand arising from the local villagers in San Tin area and demand for cross-boundary car parking facilities in view of the site's proximity to the cross-boundary link in Lok Ma Chau. To address DEP's concern, approval conditions restricting the types of vehicles and activities on-site had been recommended. Technical concerns of other Government departments could also be addressed by way of approval conditions.

75. Members had no question on the application.

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 19.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshops were allowed on the site at any time during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and a set of photographic record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of

the Director of Fire Services or of the TPB by 19.3.2010;

- (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 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.

77. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the application site included some Government Land (GL) of about 290m² and Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. According to his record, structures were erected on Lot 3071RP and Lot 3073. His Office reserved the right to take lease enforcement/land control action against these irregularities if they persisted on-site. Should planning approval be given, noting that the applicant was not the registered owner of the lots, the registered owner concerned should apply for a Short Term Waiver (STW) for those lots on which structures were erected. In addition, a Short Term Tenancy (STT) was also required to regularize the unauthorized occupation of GL, thus, the occupant/the authorized agent should submit such an application. Should no STW/STT application be received/approved and the irregularities persisted on-site, his

Office would take appropriate action according to the established district enforcement programme; and the subject site was accessible by an informal track from Castle Peak Road (San Tin Section) which ran through open GL without maintenance works to be carried out thereon by his Office;

- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was required to ascertain that any of the existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas; and his detailed comments were indicated in Appendix V in the Rural and New Town Planning Committee (RNTPC) paper;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department's advice that the existing two palms along the southern boundary of the site were in poor health conditions. The applicant was advised to closely monitor the conditions of the palms on-site and take necessary actions to avoid further deterioration;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices 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 a street having a width of not less than 4.5m wide, the development intensity should be determined

under B(P)R 19(3) at the building plan submission stage. An emergency vehicular access (EVA) should also be provided to comply with B(P)R 41D;

- (g) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal, the applicant was advised to make reference to the requirements in Appendix VI in the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix VI, the applicant was required to provide justifications to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's advice that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

[The Chairperson thanked Ms. S. H. Lam, STP/TMYL, for her attendance to answer Members' enquires. Ms. Lam left the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

78. The Secretary reported that the subject application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y. K. Cheng who

had current business dealings with SHK had declared interests in this item and had left the meeting. Mr. James C. W. Lau as a voluntary adviser to Hyder Consulting Ltd. (HCL) which was the Applicant's consultant did not have pecuniary interest with HCL should be allowed to stay in the meeting.

Presentation and Question Sessions

79. 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 highlighting that the application site was the subject of five previously approved applications for residential development with commercial facilities. The subject application was an amendment to the previously approved scheme No. A/YL-KTN/279 submitted by the same applicant for the same site area and uses with the same main development parameters;
- (b) when compared with the latest approved scheme No. A/YL-KTN/279, the current scheme involved increase in the number of houses from 41 to 48 with building height reduced from 4 to 3 storeys; increase in the number of storeys of 10 towers from 10 to 13 storeys with absolute building height remain unchanged; reduction in average flat size and hence increase in the number of units; deletion of 3m high noise barriers along the southern boundary and incorporation of alternative noise mitigation measures such as single-aspect building design, architectural fins and fixed window glazing; minor changes in design and layout and the landscaping proposal;
- (c) departmental comments – there were no adverse comments from Government departments. The Director of Environmental Protection had no adverse comment on the proposed noise mitigation measures;
- (d) during the statutory publication period, five public comments from three Yuen Long District Councillors, and village representative and a villager of Ko Po Tsuen were received. They objected to the application mainly on the

grounds that the site being surrounded by transport infrastructure was not suitable for residential use; the proposed development was incompatible with the surrounding low-rise setting; the construction and foundation works of the development would affect the structural safety of the village houses; the development would cause potential adverse impacts on noise, air and hygiene; there was insufficient information to demonstrate the proposed development would have insignificant impacts on the environment, ecology, sewerage, visual and traffic in the area; the piecemeal development would pre-empt the long term planning of the “Undetermined” (“U”) zone and set undesirable precedent for similar applications in other “U” zones on the OZP; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The proposed amendments to the previously approved scheme were not substantial and there was no major change in the planning circumstances since the last approval in late 2008. Relevant technical assessments had been submitted to demonstrate no adverse impacts to the surroundings would be resulted and relevant Government departments had no adverse comments. Most of the public comments had been considered by the Committee in the previous approvals of the development. Approval conditions were recommended to address some of the public comments.

80. A Member enquired why there was a reduction of 210 carparking spaces despite the increase in the number of units by 200. The Chairperson pointed out that it was due to the adoption of the lower limit of the carparking ratio as specified under the Hong Kong Planning Standards and Guidelines.

81. Another Member asked if this kind of application for residential and commercial uses in “U” zone were common in the past and what were the considerations if “U” zone was allowed for residential and commercial uses.

82. Miss Paulina Y.L. Kwan explained that the site was previously zoned “U” as the most appropriate land use could not be determined at that time given that the site was

surrounded by major transport infrastructures, including West Rail, with different implementation programmes and detailed information was not available. The “U” zoning would allow the Board to consider each application on its individual merits taking into account the prevailing planning circumstances. The proposed residential development with commercial facilities on the subject site was first approved by the Committee in 2001. Within the Kam Tin North area, the subject site was the only site with an application for residential and commercial uses in the “U” zone.

83. The Chairperson asked if the gaps between the low-rise houses were intended for local breezeways. Miss Paulina Y.L. Kwan said that according to the Applicant’s design concept, the emergency vehicular access, the footpath and the gaps between the housing blocks would serve as local breezeways to improve air ventilation and also to integrate with the landscaping area to form part of the pedestrian circulation network in the development.

Deliberation Session

84. The Chairperson commented that the gaps between the houses along Kam Tin River should be widened as far as possible to better serve the function as local breezeways. The Secretary said that Members might consider imposing an approval condition to require the applicant to widen the gaps in the revised layout plan.

85. A Member asked if there was any change to the proposed gross floor area (GFA) of the club house when compared with the previously approved scheme. Miss Paulina Y.L. Kwan, STP/TMYL replied that the GFA of the club house was about 5% of the total GFA which was the same as the previous scheme.

86. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 19.6.2013, 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 a revised Master Layout Plan for the development scheme to incorporate gaps between houses to serve as local

breezeways to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission of Landscape Master Plan (LMP) including a comprehensive tree felling / transplanting proposal and compensatory planting proposal, and the implementation of the approved LMP and tree felling / transplanting proposal and compensatory planting proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of ecological mitigation measures as proposed by the applicant to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment and implementation and maintenance of flood mitigation measures identified therein and provision of any other stormwater drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the design and implementation of the vehicular access road to the southeast of the application site, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB; and
- (h) the formation of reserved government, institution or community site as proposed by the applicant to the satisfaction of the Director of Lands or of the TPB.

87. The Committee also agreed to advise the applicant :

- (a) to note District Lands Officer/Yuen Long, Lands Department's comments that the provision of carparking spaces stipulated in Table 1 of the Supplementary Information could not meet the requirements under lease. Should the application be approved, a lease modification was required to implement the proposed development. There was no guarantee that such lease modification application would eventually be approved. His office reserved the comments on the detailed design and disposition of the proposed residential development until formal submission of building plans. The applicant was also advised to seek his office's formal approval under lease regarding the Drainage Impact Assessment submission, tree felling application etc.;

- (b) to note the Director of Environmental Protection's comments that the applicant should disclose all the noise mitigation measures in the sales brochure for potential buyers' information. In addition, the applicant should present the location of the fixed window glazing in the Deed of Mutual Covenant (DMC). Such DMC should contain binding and enforceable conditions for the control, operation and maintenance for such measure;

- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the proposed access road of not less than 4.5m wide would be completed prior to the application of the Occupation Permit. Detailed consideration would be made at building plan submission stage. The domestic and non-domestic plot ratio and site coverage of the proposed development should not exceed the permissible figures stipulated in the First Schedule of the Building (Planning) Regulation (B(P)R). In view of the size of the site, area of any internal streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of site coverage and plot ratio calculation under the BO. Besides, public right-of-way within the re-grant sites, if any, should be deducted from the site area for the purpose of site coverage and plot ratio calculation under the BO. Notwithstanding any noise mitigation measures, the prescribed windows for habitable rooms and kitchens provided in the proposed development, designed for the purpose of

complying with lighting and ventilation or required under Part IV of B(P)R must be provided with such effectual means of glazing areas and openable portions satisfying the criteria laid down for the purpose of acquiring natural lighting and ventilation as required by B(P)R. In addition, clubhouse, unless exempted, were accountable for gross floor area calculation under the BO;

- (d) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. The developer should protect the affected water mains and bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Besides, the water mains in the vicinity of the site could not provide the standard fire-fighting flow. In addition, about 400,000m³/day water would be occasionally discharged into Kam Tin River via an existing culvert due to operation and maintenance of waterworks. This discharge should be taken into account in the Drainage Impact Assessment;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the building façade of the single aspect buildings should be designed to minimize adverse visual impact to the townscape. Besides, the tree survey report should be updated and section drawing should be provided to show the edge treatment along the southwestern boundary in particular the relationship of the 3m periphery planting strip and podium. Moreover, podium tree planting should be provided to balance the limited landscape buffer at ground level;

- (f) to note the Chief Engineer/Mainland North and Chief Engineer/Land Drainage, Drainage Services Department's comments on the Drainage Impact Assessment in Appendix IV of the Rural and New Town Planning Committee paper. The applicant was reminded to consult the Environmental Protection Department on the commissioning date instead of the completion date of the proposed sewerage system currently under construction under PWP Item 215DS;
- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Besides, the emergency vehicular access in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D; and
- (h) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (132kV and 11kV) underground cables, high voltage (11kV) overhead lines, low voltage underground cables and low voltage overhead lines within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP in respect of the safety clearances required for activities near the overhead lines. In the circumstance that the safety clearances of the concerned overhead lines were insufficient or electrical danger might arise due to their proximity to the subject development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the overhead lines or have them replaced by underground cables. 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.

[Mr. James Lau left the meeting and Professor Paul Lam left the meeting temporarily at this

point.]

[Mr. Alfred Donald Yap and Mr. Y. K. Cheng returned to join the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/329 Renewal of Planning Approval for Temporary
“Place of Recreation (including Barbecue Spot and Picnic Area)” under
Application No. A/YL-KTN/273 for a Period of 3 Years
in “Village Type Development” and “Agriculture” zones,
Lots 676 (Part), 678 (Part), 679 (Part), 680 (Part), 681 (Part), 682
(Part), 684 RP (Part) and 1615 (Part) in D.D. 109 and Adjoining
Government Land, Shui Mei Tsuen, Kam Tin North, Yuen Long
(RNTPC Paper No. A/YL-KTN/329)

Presentation and Question Sessions

88. 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 highlighting that there were two previously approved applications. The last approved application No. A/YL-KTN/273 would lapse on 22.6.2009. All approval conditions of this application had been complied with;
- (b) renewal of planning approval for temporary “Place of Recreation (including Barbecue Sport and Picnic Area)” under Application No. A/YL-KTN/273 for a period of 3 years;
- (c) departmental comments –Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural life in the vicinity of the site was active and the site was of high potential for rehabilitation of agricultural activities. The Director of Environmental Protection considered that the application could be tolerated as there were

no complaints against the existing temporary use in the past 3 years since the approval of the previous application (No. A/YL-KTN/273). This indicated that the proposed noise mitigation measures were effective. Other concerned Government departments had no objection;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views –PlanD considered that the temporary place of recreation could be tolerated for a further period of 3 years based on the assessment in paragraph 12 of the Paper. The development was not incompatible with the surrounding areas. Although DAFC did not support the development, it should be noted that the majority (80%) of the site fell under the “Village Type Development” zone and only 20% of the site was zoned “Agriculture” on the OZP. Moreover, one-third of the site was an existing pond while the remaining of the site was mainly unpaved grassland for recreational activities. The temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes. There was no Small House application within the site and District Lands Officer/Yuen Long had no objection to the application.

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

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years until 19.6.2012, 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 10:00 a.m. from Mondays to

Fridays, and between 9:00 p.m. to 10:00 a.m. on Saturdays and Sundays was allowed, as proposed by the applicant, during the planning approval period;

- (b) no public announcement system, portable loudspeaker or any form of audio amplification system was allowed to be used on the site at any time during the planning approval period;
- (c) no pond filling or paving of the site, as proposed by the applicant, was allowed on the site and the site should remain the same as the current situation under which surface runoff of the site would flow into the existing pond 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/273 should be maintained in good condition at all times during the planning approval period;
- (f) a right-of-way should be maintained within the site to serve the nearby residents, as proposed by the applicant, at all times during the planning approval period;
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) 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.

91. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note District Lands Officer/Yuen Long, Lands Department's comments that unauthorized structures were included on the lots and no permission had been given for occupation of the adjoining Government Land (GL). His office reserved the right to take lease enforcement/land control action against these irregularities. The application site was accessible to Kam Tin Road via an informal track over private land and open GL. His office would not carry out maintenance works of the GL nor guarantee right-of-way. The registered owners of the relevant lots should apply for Short Term Waiver (STW) and the occupier should apply for Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW and STT application be received/approved and any irregularities persisted on the site, his office would consider taking appropriate lease enforcement and land control action against the registered owners and the occupier according to the prevailing programme;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department's comments that no trees under the applicant's maintenance should be topped or hard pruned;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Chi Ho Road;
- (f) 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 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 standard;

- (g) to note Director of Food and Environmental Hygiene's comments that under Section 4 of the Food Business Regulation, Cap. 132, "food business" means "any trade or business for the purpose of which any person engages in the handling of food or food is sold by means of a vending machines". Operator of any food stall in the barbecue site should apply for a "Food Factory Licence" for the preparation and processing of meat or a "Fresh Provision Shop Licence" for the sale of fresh or chilled meat for barbecue off the food stall. However, if food was prepared for sale and served to the customers for consumption in the barbecue site with seating accommodation, a restaurant licence was required. Mains for water supply, ablution facilities, toilet facilities and proper waste discharge system were the main licensing pre-requisites for issuing such licences;
- (h) 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 V of the Rural and New Town Planning Committee paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be given to his department for consideration;
- (i) 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 Buildings Ordinance. 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 Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Emergency vehicular access should also be provided under BPR 41D unless exempted; 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 application site, the applicant should carry out the following measures: (a) 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, prior consultation and arrangement with the electricity supplier was necessary; (b) 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; and (c) 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.

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/581 Temporary Shop and Services (Wine/Packed Food Selling)
for a Period of 3 Years
in “Other Specified Uses” annotated “Film Studio” zone,
Lot 2160 (Part) in D.D. 111, Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/581)

Presentation and Question Sessions

92. 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 highlighting that the subject site involved five previously approved applications. The last approved application No. A/YL-PH/548 was approved on 12.10.2007 but was revoked on 12.7.2008 as the Applicant failed to comply with the condition on the submission of fire service installations proposals;
- (b) temporary shop and services (wine/packed food selling) for a period of 3 years;
- (c) departmental comments – all concerned Government departments had no objection;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services use could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The proposed use was considered not incompatible with the surrounding structures of an

existing film studio. The small scale and temporary nature of the applied use would not generate adverse environmental, traffic, landscape and drainage impacts on the surroundings. Planning applications for similar shop and services uses (temporary furniture showroom/shop) at the subject site had been approved several times. There was no change in planning circumstances since the last planning application No. A/YL-PH/548 approved in 2007. As the last approval was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities implemented under Application No. A/YL-PH/300 within the site should be maintained at all times during the planning approval period;
- (b) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2009;
- (c) in relation to (b) 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 19.12.2009;
- (d) if the above planning condition (a) was not complied with during the

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

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

95. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site;
- (c) that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) No. 3190 was approved for Lot 2160 in D.D. 111 permitting structures for furniture showroom or shop, film studio and ancillary use with Built-over Area not exceeding 500.17m² and height not exceeding 6.10m. His office reserved the right to take enforcement action under STW if there was indeed any breach of the pertaining conditions. The site was accessible to Kam Tin Road through other private land and a short stretch of Government land (GL). His office would not carry out maintenance works of the GL nor guarantee right of way;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to adopt environmental mitigation

measures to minimize any possible environmental nuisances;

- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should not cause any adverse drainage impact to the adjacent area;
- (g) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements as stated in Appendix III of the Rural and New Town Planning Committee paper;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. Unauthorized structures on the site were liable to action under section 24 of the Buildings Ordinance (BO). 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. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width of not less

than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant's attention was drawn to the requirements on provision of emergency vehicular access to all buildings to be erected under B(P)R 41D; 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, 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, 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 the electricity supply lines.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/242 Proposed Public Utility Installation (Package Substation)
in "Village Type Development" zone,
Government Land in D.D. 116, Tong Tau Po Tsuen, Tai Tong,
Yuen Long
(RNTPC Paper No. A/YL-TT/242)

Presentation and Question Sessions

96. The Committee noted that the applicant on 2.6.2009 and 11.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to sort out the technical issues in relation to the application.

Deliberation Session

97. 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/243 Temporary Car Cleaning and Ancillary Vehicle Maintenance Area for Private Cars 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/243)

Presentation and Question Sessions

98. The Committee noted that the applicant’s representative on 11.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to address the technical issues in relation to the application.

Deliberation Session

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/434 Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Undetermined” zone,
Lot 334 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/434)

Presentation and Question Sessions

100. 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 highlighting that the subject site involved three previously approved applications with the latter two planning permissions (No. A/YL-TYST/350 and 392) revoked on 27.7.2007 and 18.10.2008 respectively as the applicants failed to comply with the approval conditions;
- (b) temporary open storage of construction materials for a period of 3 years;

[Mr. Rock Chen arrived to join the meeting while Ms Anna Kwong left the meeting at this point.]

- (c) departmental comments –the Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers including the residential structures under construction to the northwest of the site and along the access track leading from Shan Ha Road to the site. District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application as the registered owners of the lot failed to apply for regularization of the structures erected within the site since the last two approved planning applications of the site. Other Government departments had no objection;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No.13E in that the concerns of relevant departments could be addressed through the implementation of approval conditions. The development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouse and vacant land. Although DEP did not support the application, no environmental complaint had been received in the past 3 years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting repairing, dismantling and workshop activities and restricting the type of vehicles used were proposed. DLO/YL's concern could be addressed by inclusion of a relevant advisory clause. It should also be noted that the revoked Application No. A/YL-TYST/350 was submitted by a different applicant, while the last revoked application (No. A/YL-TYST/392) was submitted by the current applicant who had indicated that he was not fully aware of the procedures for compliance with planning conditions. He had included landscape and drainage plans in the current application, and the landscape proposal was considered acceptable. In this regard, sympathetic consideration might be given to tolerate the application. However, since the last two approvals were revoked due to

non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance and the applicant would be advised that sympathetic consideration would not be given to any further application should the approval conditions failed to be complied with again.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers were allowed for the operation of the application site at any time during the planning approval period;
- (e) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2009;
- (f) 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 19.9.2009;

- (g) in relation to (f) 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 19.12.2009;
- (h) 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 19.9.2009;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

103. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were allowed to monitor the progress on

compliance with approval conditions;

- (c) that 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 owner(s) of the application site;
- (e) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the structures erected at the site. The lot owners should apply for Short Term Waiver (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 lot concerned according to the application site boundary as it was his policy to issue STW to the registered owners on the whole lot basis. Should no STW application be received/approved and the irregularities persisted on the site, his office would take appropriate action according to the established district lease enforcement programme. Moreover, the site was accessible by a track from Shan Ha Road which runs through open Government land and private lots with no maintenance works to be carried out thereon by his office. 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/Mainland North, Drainage Services Department’s comments that the drainage proposal to be submitted under approval condition (f) above should show the dimensions of the existing stream at the northern boundary of the site and the flow path of the existing stream and its discharge point;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) 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;
- (k) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations proposal in Appendix V of the Rural and New Town Planning Committee Paper;
- (l) 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. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures,

for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Use of containers as storerooms were considered as temporary structure and subject to control under B(P)R Part VII. Emergency vehicular access should be provided to comply with B(P)R 41D unless exempted; and

- (m) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage (LV) and high voltage (11kV) underground cables and LV/11kV pole-mounted transformers within and in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and/or his contractors should consult CLPP and, if necessary, ask CLPP to divert the supply lines away from the vicinity of the proposed structure.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/436 Temporary Open Storage of Construction Materials, Recyclable Materials (including Plastic Goods, Paper and Metal) and Generators with Ancillary Workshop for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 1433 RP (Part), 1434 S.A (Part), 1434 RP (Part), 1438 S.A RP (Part), 1438 S.B RP (Part), 1438 S.D (Part), 1438 S.E to 1438 S.H and 1438 RP (Part) in D.D. 119 and Lot 1658 (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/436)

Presentation and Question Sessions

104. The Committee noted that the applicant’s representative on 15.6.2009 requested for deferment of the consideration of the application for two months in order to allow time to address the technical issues and to submit further information to substantiate the application.

Deliberation Session

105. 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 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/621 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 1141 RP(Part), 1142, 1143 RP, 1144 (Part), 1145 (Part), 1146 (Part), 1152 (Part), 1153 (Part), 1154 RP(Part), 1155 (Part), 1156, 1157 (Part), 1158 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1165, 1166, 1168 (Part), 1169 RP(Part), 1181 (Part), 1188 RP(Part), 1189 RP (Part), 1190(Part), 1191 (Part), 1192 (Part), 1193 (Part), 1194 (Part), 1195(Part) and 1196 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/621)

Presentation and Question Sessions

106. The Committee noted that replacement pages 7 and 10 of the Paper correcting typo mistakes in paragraphs 10.1.3(b) and 12.5.

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

- (a) background to the application highlighting that the subject site was involved in seven previous applications of which five were approved. The last approved application No. A/YL-HT/540 was revoked on 9.11.2008 due to non-compliance with approval conditions;
- (b) temporary open storage of containers with ancillary office for a period of 3 years;

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

- (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 roads, Ha Tsuen Road and Tin Ha Road. Other concerned Government departments had no objection;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage use could be tolerated for a period of 3 years. The majority of the site (78%) was within the “Open Storage” zone which had already been occupied by a number of logistics centres, workshops, open storage yards for containers, construction materials and recyclable materials. The applied use was therefore not incompatible with the surrounding land uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long term planning intention of the “Recreation” zone on the OZP. To address DEP's concerns and mitigate any potential environmental impacts, relevant approval conditions were recommended. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no objection from the locals and no adverse comment from concerned Government departments. Technical concerns could be addressed by imposing relevant approval conditions. Since the last approval (Application No. A/YL-HT/540) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance. 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 might not be given to any further application.

[Mr. Simon Yu left the meeting temporarily at this point.]

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity, except for minor ancillary container repairs, was allowed on the site during the planning approval period;
- (e) 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;
- (f) the drainage facilities implemented on the site under application No. A/YL-HT/540 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/540 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2009;
- (h) the submission of a landscape proposal, with indication of existing and proposed trees, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2009;

- (i) in relation to (h) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (j) the submission of fire service installations proposal 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 19.9.2009;
- (k) in relation to (j) 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 19.12.2009;
- (l) the provision of fencing for the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the "Recreation" zone to an amenity area to the satisfaction of the Director of Planning or of the TPB.

110. The Committee also agreed to advise the applicant :

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

commencing the development on-site;

- (b) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (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 granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; to apply for Short Term Waiver (STW) to regularize structures on the lots and to apply for Short Term Tenancy (STT) to regularize the unauthorized the occupation of Government land. Should no STW/STT application be received/approved and the irregularities persisted 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 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;
- (f) to note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Rural and New Town Planning Committee paper; and
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures

existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; 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 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/622 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 26 RP(Part), 29 RP(Part) and 31 RP(Part) in D.D.128, Lots 2401(Part), 2402, 2403(Part), 2404(Part), 2407(Part), 2408(Part), 2409 RP(Part), 2420 RP(Part), 2422 RP(Part), 2423(Part), 2424(Part), 2426(Part), 2427(Part), 2428, 2429, 2430(Part), 2431(Part), 2432(Part), 2439(Part), 2443 RP(Part), 2974(Part), 2975 S.A (Part), 2975 S.B (Part), 2977 S.A (Part), 2979 (Part), 2980 (Part), 2982 RP and 2983 RP(Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/622)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the subject site was involved in five previously approved applications. The last approved

application was revoked on 23.11.2008 due to non-compliance with approval condition;

- (b) temporary open storage of containers with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site and along the access road (Lau Fau Shan Road). No pollution complaint against the site was received in the past three years. Other concerned Government departments had no objection;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area’ (“CDA”) zone which was predominantly occupied by open storage yards. Besides, approval of the application on a temporary basis would not frustrate the long term planning intention of the “CDA” zone on the OZP. The development was in line with the Town Planning Guidelines No. 13E in that there was no adverse comment from concerned Government departments. DEP’s concerns and technical concerns raised by other Government departments could be addressed by approval conditions. As the last approval (Application No. A/YL-HT/542) was revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance. 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 might not be given to any further application.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity, except for minor ancillary container repairs, was allowed on the site during the planning approval period;
- (d) the stacking height of containers stored within the site should not exceed 7 units during the planning approval period;
- (e) the existing drainage facilities implemented under the previously approved Application No. A/YL-HT/542 should be maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/542 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2009;
- (g) the submission of a revised landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.9.2009;

- (h) in relation to (g) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (i) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 19.9.2009;
- (j) in relation to (i) above, the implementation of the 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 19.12.2009;
- (k) the submission of fire service installations proposals for the structure within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2009;
- (l) in relation to (k) above, the provision of fire service installations for the structure within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

114. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on-site;
- (b) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (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 granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; to apply for Short Term Waiver (STW) to regularized any structures erected/to be erected on-site and carve out the lots concerned according to the site boundary; and to apply for Short Term Tenancy (STT) to regularized the occupation of Government land. Should no STW/STT application be received/approved and the irregularities persisted 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 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;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to indicate the existing and proposed trees in the revised landscape proposal;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments to construct a run in/out at the access point at Lau Fau Shan Road in accordance with the latest version of HyD's standard drawing H1113 and H1114, or H5115 and H5116, whichever set was appropriate to match with the adjacent pavement; to provide adequate drainage measures to prevent surface water flowing from the site onto the nearby public roads/drains; and be responsible for his own access arrangement;

- (h) to note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Rural and New Town Planning Committee paper; and

- (i) 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 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/625 Temporary Open Storage of Recyclable Materials,
Cargo Handling and Forwarding Facility for a Period of 3 Years
in “Open Storage (Group 1)” zone, Lots No. 4 (Part), 5 (Part), 6 (Part),
7 (Part), 45 (Part), 46 RP (Part), 46 S.A (Part), 46 S.B (Part), 47 (Part),
49 (Part) and 57 (Part) in D.D.124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/625)

Presentation and Question Sessions

115. The Committee noted that the applicant’s representative on 10.6.2009 had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address some technical issues.

Deliberation Session

116. 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 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/627 Temporary Open Storage of Scrap Metal and Plastic
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots No. 41 (Part), 46(Part), 49(Part), 50(Part) and
51(Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/627)

Presentation and Question Sessions

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

- (a) background to the application highlighting five previously approved planning applications for similar uses at the subject site. The last application No. A/YL-HT/452 was approved on 16.6.2006 for a period of 3 years;
- (b) temporary open storage of scrap metal and plastic for a period of 3 years;
- (c) departmental comments – no adverse comments were received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage use could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP.

The development was in line with the Town Planning Board Guidelines No. 13E in that there was no objection from the locals and no adverse comment from concerned Government departments. Technical concerns could also be addressed by approval conditions.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electronic and computer wastes, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be maintained during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/452 should be maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/452 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;

- (g) the replacement of missing trees on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (h) the submission of fire service installations proposals for the structure within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (i) in relation to (h) above, the provision of fire service installations for the structure within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2010;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (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.

120. The Committee also agreed to advise the applicant :

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

commencing the development on-site;

- (b) that 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 (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; to apply for Short Term Waiver (STW) to regularize unauthorized structures on the lots; and to apply for Short Term Tenancy (STT) to regularize the occupation of Government land. Should no STW/STT application be received/approved and the irregularities persisted on-site, his office, on review of the situation, would take appropriate action according to the established district enforcement and land control programme. His office did not guarantee right-of-way of the vehicular access to the site through the local track leading from Fung Kong Tsuen Road;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that part of the existing drainage facilities implemented under Application No. A/YL-HT/452 was outside the site, and to obtain the consent of the relevant lot owners and/or DLO/YL on the drainage works outside the site;
- (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 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 Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Rural and New Town Planning Committee paper;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or store were considered as temporary structures 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 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

121. The Secretary reported that World Wide Fund for Nature Hong Kong (WWF) had submitted a public comment on the application. Professor David Dudgeon, being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF had declared an interest in this item. The Secretary also informed that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap, having current business dealings with Henderson had declared an interest. Dr. James C.W. Lau who had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for this application had also declared an interest on this application.

122. The Committee noted that Professor Dudgeon had tendered apologies for not attending the meeting and Dr. Lau had left the meeting. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay at the meeting.

Presentation and Question Sessions

123. The Committee noted that the applicant’s representative on 11.6.2009 had requested for deferment of the consideration of the application to 10.7.2009. Subsequently, the applicant in his letter dated 18.6.2009 which was tabled at the meeting had further requested to defer the consideration of the application for two months in order to allow time to prepare supplementary information to address comments from Environmental Protection

Department.

Deliberation Session

124. 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 since the Committee had allowed a total of 8 months since the application was deferred by the Committee on 24.10.2008 for preparation of submission of further information, 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-MP/176 Temporary 'Shop and Services (Sale of Household Plants, Aquarium Fish, Clothes and Agency for Car Repairing Service)' Use for a Period of 3 Years in "Residential (Group D)" zone, Lots 3225 S.C RP(Part), 3250 S.B ss.21 RP (Part), 3250 S.B ss.33 S.B and 3250 S.B ss.40 (Part) in D.D. 104, Mai Po, Kam Pok Road, Yuen Long
(RNTPC Paper No. A/YL-MP/176)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary 'shop and services (sale of household plants, aquarium fish, clothes and agency for car repairing service)' use for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection had no major environmental concerns on the application in view of the small scale and the nature of the development. Other concerned Government had no objection to the application;
- (d) during the statutory public inspection period, one public comment was received from five village representatives (VRs) of Ha Chuk Yuen Tsuen objecting to the development as the pond filling activity in the past had caused serious flooding problem and the development would aggravate the existing traffic problem. The District Officer/Yuen Long received the same objection from the five VRs of Ha Chuk Yuen Tsuen against the development; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary shop and services use could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. The development provided supporting shops and services to the nearby residential development. Approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” zone. The development was not incompatible with the surrounding land uses which are predominantly vacant land, ponds, a plant nursery, a few vehicles parks and nearby residential developments. Relevant Government departments had no adverse comments. Technical concerns could be addressed by way of approval conditions. Regarding the public’s concerns on traffic and drainage problems, Transport Department and Drainage Services Department had no adverse comments. Approval condition requesting submission of drainage proposal was recommended.

[Mr. Simon Yu returned to join the meeting at this point.]

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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 site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2010;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;
- (f) in relation to (e) 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 19.3.2010;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.12.2009;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2010;

- (i) 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;
- (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 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.

128. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The proposed non-domestic structures of total floor area were about 402.69m² on the site. His Office reserved the right to take lease enforcement action against these irregularities if indeed found in due course. Moreover, it was noted that the applicant was not the registered owner of the lots and it was their policy to issue an Short Term Waiver (STW) to the registered owner, hence, the applicant was reminded to apply for an STW if structures were erected thereon. Should no STW application be received/approved and any irregularities persisted on site, his Office would take appropriate action according to the established district

enforcement programme on review of the situation. In addition, the ingress/egress of the site did not abut Kam Pok Road. A short track running through a piece of open Government Land without maintenance works to be carried out thereon by his Office provided accessibility to the site. His Office would not guarantee a right-of-way;

- (d) 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;
- (e) 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. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the applicant should observe his requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances as stated in Appendix II of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (f) to note Director of Food and Environmental Hygiene’s comment that the operation of the site must not cause any environmental nuisance to the surrounding area. Moreover, the development and its ancillary facilities should not generate any trade refuse. The applicant was responsible for the removal and disposal of any trade refuse;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorised structures on site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. The granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the

BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Containers used as offices 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 a specified street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage;

- (h) 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 application site, the applicant should carry out the following measures: (a) 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; (b) 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; and (c) 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
- (i) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comment that the applicant was advised to keep any man-occupied structures and stockpiling materials at a safety distance (approx 1-2m) from the slope crest along the northern site

boundary. Adequate drainage such as u-channels should be put in place to minimise surface water flow onto the slope.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/187 Temporary Storage of Gas Pipes and Associated Fittings for a Period of 3 Years in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone, Lots 3723 S.E RP in D.D. 104 at Tai Sang Wai, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/187)

129. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap, having current business dealings with Henderson had declared an interest. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Yap could stay at the meeting.

Presentation and Question Sessions

130. The Committee noted that the applicant’s representative on 4.6.2009 had requested for deferment of the consideration of the application for one month in order to allow time for further consultation with relevant Government departments to resolve issues associated with the application.

Deliberation Session

131. 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 one month was allowed for preparation of the submission of the further information, and no

further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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)

132. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap who had current business dealings with Henderson had declared an interest in this item. He was invited to leave the meeting temporarily.

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

133. The Committee also noted that the World Wide Fund for Nature Hong Kong (WWF) had submitted a comment on the application. Professor David Dudgeon being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF had declared an interest in this item. He had tendered apologies for not attending the meeting.

Presentation and Question Sessions

134. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject site was the northern portion of a larger “CDA” zone. The development was located close to The Vineyard and Greenacres Villa and Tam Mei Barracks Sewage Treatment Works (STW). The whole “CDA” site was bisected by the Ngam Tam Mei Drainage Channel (NTMDC);
- (b) comprehensive low density residential development occupying a site area of about 6.37 ha. The total GFA was 29,759m² representing a PR of 0.4665. The development comprised 136 3-storey houses;
- (c) departmental comments – the Director of Environmental Protection (DEP) had strong reservation on the application, in the absence of practicable solution to avoid odour nuisance from the STW. The Chief Town Planner/Urban Design and Landscape had reservation on the application as the landscape proposal submitted could not address the management and maintenance issues for the trees within the private garden and the existing five significant trees. Other concerned Government departments had no objection;
- (d) 27 public comments of which 5 indicated support while 22 were against the application were received. The commenters included members from Yuen Long District Council, San Tin Rural Committee, village representatives from surrounding areas, nearby residents, World Wide Fund for Nature Hong Kong and private individuals. Major supporting reasons were improvement to the existing environment, more supply of low-density housing, early materialisation of the “CDA” zone and attracting more population to encourage provision of more goods and services. For those objecting to the application, their grounds of objection were that the development would overtax local road network and block the existing north-south linkage across NTMDC; undesirable locations of the proposed ingress/egress point, sewage treatment plant, refuse collection point and loading/unloading facilities; impacts on electricity supply; hygiene and

odour impact; adverse ecological and environmental impacts; drainage/flooding problem and fungshui impact; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The proposed PR of 0.4665 had exceeded the maximum PR of 0.4 under the “CDA” zone and no strong planning justifications were provided. The submitted impact assessments only referred to the application site and could not demonstrate that the whole “CDA” zone could be comprehensively developed. The odour impact assessment could not address the odour nuisance from the Tam Mei Barracks STW. The technical assessments could not demonstrate that the tree planting of the proposed development would be under proper management and maintenance. PlanD would undertake a review of the whole CDA zone which was bisected by the NTMDC so as to provide a more rational planning context for future consideration of development proposals at the site.

Deliberation Session

135. Noting the large site area of the whole “CDA” zone and the presence of the NTMDC which separated the zone into two portions, the Chairperson commented that it was premature to approve the subject application before a review on the whole “CDA” zone was completed. A Member also agreed to the need for a comprehensive review of the “CDA” zone.

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

- (a) there was no strong planning justification for the increase in plot ratio from 0.4 to 0.4665;
- (b) the impact assessments submitted by the applicant were applicable to part of the “Comprehensive Development Area” (“CDA”) zone only and could

not demonstrate that the planning intention of the “CDA” zone (i.e. that it should be comprehensively developed in whole) and its development parameters as stipulated on the Outline Zoning Plan were achievable without causing any adverse impacts on the surrounding areas;

- (c) the site was close to Tam Mei Barracks Sewage Treatment Works. There was a high potential of odour nuisance if air sensitive uses, such as residential development, were allowed to be located close to the sewage treatment works. The submitted impact assessments could not demonstrate that there would not be odour nuisance in the long run; and
- (d) many periphery tree planting along the northern and southern site boundaries were within private gardens of individual house lots and five significant trees were proposed to be managed and maintained by individual house owners. The submitted technical assessments could not demonstrate that the tree planting of the proposed development would be under proper management and maintenance.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/230 Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years in “Open Storage” zone, Lots 2583(Part), 2584 (Part), 2585 (Part), 2615 (Part), 2616 (Part), 2617 (Part), 2618 (Part), 2619, 2620, 2621 S.A, 2621 S.B, 2626 (Part), 2627, 2628, 2629, 2630, 2632, 2633, 2634 (Part) and 2635 (Part) in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/230)

Presentation and Question Sessions

137. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application highlighting that the subject site was involved in seven previously approved applications. The last application No. A/YL-NTM/181 had expired on 27.5.2008. All approval conditions had been complied with;
- (b) temporary container tractor/trailer park with ancillary repair areas for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) advised that his previous comments were addressed in the further information and had no further comment on the application. TD usually did not support installation of a convex mirror on public roads to improve the sight line. Should the application be approved, the approval condition requesting the implementation of the traffic management measures within 9 months from the date of planning approval should be imposed. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 20m away to the east) although no environmental complaint against the site in the past three years was received. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the applicant should be advised not to disturb the nearby natural environment in view of the close proximity of the site to a wooded area zoned “Green Belt”. Other concerned Government departments had no objection;
- (d) during the statutory public inspection periods, two public comments were received from three Yuen Long District Council Members. One of them objected to the application on the grounds that the road network could not accommodate heavy traffic volume and the development would create severe traffic noise nuisance to the nearby residents. The other one indicated that owners’ consent was required for the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered the temporary container tractor/trailer park with ancillary repair areas could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The applied use was generally in line with the planning intention of the “Open Storage” (“OS”) zone. The development was generally not incompatible with the surrounding uses, which include vehicle repair workshop and vehicle parks. It was also generally in line with Town Planning Board Guidelines No. 13E in that Government departments concerned had no major adverse comment or their comments could be addressed through the imposition of approval conditions. To address DEP's concern, approval conditions on restrictions of operation hours had been recommended. The public's concerns on traffic and environment impacts could also be mitigated by imposing approval conditions relating to traffic management and operation hours. The public concern on owner's consent was mainly related to land matters to be sorted out between the applicant and the owners. An advisory clause was recommended in this regard.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 19.6.2012, 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. on weekdays and between 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays as proposed by the applicant was allowed on the site during the planning approval period;
- (c) the existing fencing on the site should be maintained at all times during the planning approval period;

- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented on the site under Application No. A/YL-NTM/181 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2009;
- (g) the implementation of the traffic management measures including construction of passing bays and installation of traffic signs from Ka Lung Road to the site, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 19.3.2010;
- (h) the submission of compensatory planting scheme for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2009;
- (i) in relation to (h) above, the implementation of compensatory planting scheme within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2010;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2010;

- (l) 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
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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.

140. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long that the subject lots were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The existing occupation area was found to be different from that under application. The applicant was required to clarify the discrepancy. Besides, the Government land within the site was also occupied without approval from his Office. It was noted that the applicant was not the registered owner of the lots and the site involved portion of the lots. As it was his policy to issue a Short Term Waiver (STW) to the registered owner on a whole-lot basis (i.e. not on a portion of a lot), should planning approval be given, the registered owner should apply for a STW if structures were erected thereon, and, for the purpose of applying a STW, the owner should carve out the lot concerned unless that portion of the lot outside the site was free of any structure. Should planning approval be granted, the applicant was advised to apply to his Office for a Short Term Tenancy (STT) to regularise the unlawful occupation of

Government land. However, his Office would not guarantee that the STW and STT applications would be approved, if submitted. Should no STT or STW applications be received/approved, his Office on review of the situation would resume or take action as appropriate according to the established district lease enforcement/land control programme. The informal track from Ka Lung Road ran through open Government land and was without maintenance works to be carried out by his Office. Also, his Office would not guarantee right-of-way to any proposed STW and STT even if the subsequent regularisation proposals were approved;

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that TD usually did not support installation of a convex mirror on public roads to improve the sight line;
- (e) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Ka Lung Road;
- (f) to note the comment of the Chief Engineer/Railway Development 2-1, Railway Development Office, Highways Department that the temporary public vehicle park site might be required to be relocated should the Northern Link rail project was taken forward in future;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant was fully responsible for the proper maintenance of the drainage facilities on-site. The applicant was required to ensure that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant should not disturb any of the existing drains and streams in its vicinity. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was reminded that the

drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure unobstructed discharge from the site in future;

- (h) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimise the possible environmental nuisance;
- (i) to note the comments of the Director of Fire Services that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporating the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures of about 64m², 235m², three of 22m² and three of 4m², the applicant should observe the requirements as indicated in Appendix V in the Rural and New Town Planning Committee paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation to avoid disturbance to the nearby natural environment; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any structures existing on site under the Buildings Ordinance and the allied regulations. Action appropriate under the said Ordinance or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R)

Part VII. Formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a specified street of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/237 Temporary Cargo Handling and Forwarding Facilities
for a Period of 3 Years in “Open Storage” zone,
Lots 1376 (Part), 1377 (Part), 1378 and 1379 in D.D. 102 and
Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/237)

141. The Committee noted the replacement pages 13 and 14 correcting typo errors on the dates in the approval conditions.

Presentation and Question Sessions

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

- (a) background to the application highlighting that there was one previous application No. A/YL-NTM/217 which was revoked on 2.5.2008 due to non-compliance with approval conditions. ;
- (b) temporary cargo handling and forwarding facilities for a period of 3 years;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site. Other concerned Government departments had no objection to the application;

- (d) one public comment was received from a Yuen Long District Council member indicating that owners' consent was required. No local objection/view was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary cargo handling and forwarding facilities could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The proposed development was generally in line with the planning intention of the “Open Storage” (“OS”) zone. It was not incompatible with the surrounding uses which included vehicle repair workshop, open storage yards of recycle materials/construction materials and vehicle parks. The application was generally in line with the Town Planning Board Guidelines No. 13E in that Government departments concerned had no major adverse comment or their comments could be addressed through the imposition of approval conditions. To address DEP's concern and mitigate any potential environmental impacts, approval conditions on restriction on operation hours, and the types of activity on-site had been recommended. Other technical concerns could be addressed by way of approval conditions. As the last approval (Application No. A/YL-NTM/217) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance. 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 might not be given to any further application. The public comment which was mainly related to owners' consent and land matters would be sorted out between the applicant and the owners. An advisory clause was recommended in this regard.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 19.6.2012, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (c) no container vehicles or trailers/tractors were allowed to be parked on the site at any time during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site during the planning approval period;
- (e) the submission of a tree monitoring report every 3 months from the date of planning approval during the approval period to the satisfaction of the Director of Planning or of the TPB;
- (f) the submission of landscaping 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 19.9.2009;
- (g) in relation to (f) above, the implementation of landscaping 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 19.12.2009;
- (h) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.9.2009;
- (i) in relation to (h) above, the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 19.12.2009;

- (j) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.9.2009;
- (k) in relation to (j) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

145. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (d) to note District Lands Officer/Yuen Long's (DLO/YL) comments that the site included Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. The site also included some Government land (GL) and his Office had no permission for its occupation. His Office reserved the right to take lease enforcement/ land control action if irregularities were indeed found on the site; Letter of Approval (L of A) and Modification of Tenancy (MOT) No. M 9782 and M 9786 were issued for erection of structures over Lots 1377 and 1378 in D.D. 102 respectively for agricultural and accommodation purposes. If structures of else purpose were found on the above lots, his Office would arrange to terminate the L of A and MOT as appropriate; since the last permission No. A/YL-NTM/217, his Office had received no application for regularization of the above-mentioned irregularities despite his invitations. In view of the applicant's undertaking mentioned in Appendix Ia of the Rural and New Town Planning Committee (RNTPC) paper, he had no objection to the application. However, should planning approval be granted, the registered owners of the relevant lots/occupier should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on-site. Moreover, it was noted that the applicant was not the registered owner and the site involved portion of the subject lot. As it was his policy to issue an STW to the registered owner on whole lot basis, the owners were advised to carve out the lots concerned according to the site boundary. Should no application be received/approved and the irregularities persisted on-site, his Office, on review of the situation, would take appropriate action according to the established district lease enforcement programme. The ingress/egress of the site did not abut Ka Lung Road. A short track running through a piece of open GL without maintenance works to be carried out thereon by this office provided accessibility to the site. Also, his Office would not guarantee right-of-way;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses" issued by Environmental Protection

Department to minimize potential environmental impacts on the surrounding areas;

- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed u-channel sizes including hydraulic calculation should be provided; the proposed cover levels and invert levels should be shown; the last catchpit should be a desilting type; the applicant was required to demonstrate whether mitigation measures for the drainage impact generated within the application site would be required. The runoff rates and runoff volumes before and after the application site should be provided; all existing streamcourses, u-channels and ditches within and in vicinity of the application site area should be identified and shown on the drawing; the applicant was required to identify with supporting information on the drawing showing the existing streamcourse to be connected from the proposed discharge point of the application site; the applicant was required to check the hydraulic capacity of the existing streamcourse to be connected; the applicant was required to provide catchment plan showing how the overland flow from the adjacent area could be intercepted and conveyed properly to downstream; all flows generated within the application site should be properly intercepted and could not be discharged outside the application site; approval of the drainage proposal must be sought prior to the implementation of drainage works on-site; no public stormwater drainage maintained by his Office was currently available for connection. The area was likely being served by some of the existing local village drains. The village drains were probably maintained by District Officer/Yuen Long. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal; no public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained; the applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult

DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future; and 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 fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V in RNTPC paper. If the applicant wishes to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and his detailed comments on the application were in Appendix V of the RNTPC paper;
- (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 structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and formal submission of any proposed new building works including any temporary structures for approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (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 application site, the applicant should carry out the following measures: (a) 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, prior consultation and arrangement with the electricity supplier was necessary; (b) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, the electricity supplier should be requested to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and (c) 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 Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lee left the meeting at this point.]

Agenda Item 39

Any Other Business

146. There being no other business, the meeting was closed at 5:00 p.m..