

TOWN PLANNING BOARD

**Minutes of 402nd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 4.9.2009**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

Principle Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. H.M. Wong

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

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Ms. Maggie M.K. Chan

Dr. James C. W. Lau

Mr. Edmund K.H. Leung

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

In Attendance

Chief Town Planner/Town Planning Board
Mr. Ivan Chung

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

Agenda Item 1

Confirmation of the Draft Minutes of the 401st RNTPC Meeting held on 21.8.2009

[Open Meeting]

1. The draft minutes of the 401st RNTPC meeting held on 21.8.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/10 Application for Amendment to the
Approved Sha Tin Outline Zoning Plan No. S/ST/23
from “Industrial” to “Comprehensive Development Area (2)”,
2-36 Wo Heung Sreet, Fo Tan, Sha Tin (STTL No. 4)
(RNTPC Paper No. Y/ST/10)

[Professor Edwin H.W.Chan arrived to join the meeting at this point.]

Presentation and Question Sessions

3. Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN) and the following applicant’s representatives were invited to the meeting at this point :

Mr. Daniel Kwan

Mr. Kenneth To

Ms. Veronica Luk

Mr. Michael Chiang

Ms. Carmen Chu

Mr. David Yeung

4. The Chairperson extended a welcome and briefly explained the hearing procedures. The Chairperson then invited Mr. W.W. Chan, STP/STN, to brief Members on the background to the application.

5. With the aid of a Powerpoint presentation, Mr. Chan presented the application as detailed in the Paper and made the following points:

(a) the application was for amendment of the zoning of the application site on the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/23 from

“Industrial” (“I”) to “Comprehensive Development Area (2)” (“CDA(2)”) zone to allow the redevelopment of the existing Sha Tin Cold Storage and Pak Sik Godown No.1 for hotel, eating place, shop and services, and place of recreation, sports or culture uses. Under the proposed “CDA(2)” zone, all development (including ‘hotel’ use) would require planning permission from the Town Planning Board (the Board) and would be restricted to a maximum non-domestic gross floor area (GFA) of 61,180m² (i.e. an overall plot ratio (PR) of 9.5);

- (b) according to the indicative development scheme, two L-shaped hotel towers would be built on top of a retail podium with main vehicular access at Wo Shui Street. The two hotel towers were 35 and 37 storeys in height (including podium) with main roof level at 137.5mPD and 144.5mPD respectively. A public piazza of about 1,560m² at street level would be dedicated as public open space. Detailed development parameters were set out in paragraph 1.6 of the Paper;
- (c) departmental comments were set out in paragraph 9 of the Paper. The Director-General of Trade and Industry (DG of TI) did not support the application on the grounds that the applicant did not provide any new information/arguments to address the reasons (i.e. loss of industrial floor space and no strong justification for ‘hotel’ use in Column 2) based on which the Board refused the last application (No. Y/ST/6) on 22.2.2008. The Commissioner for Tourism (C for Tourism) supported the application as the proposed development would increase the number of hotel rooms, broaden the range of accommodations for the visitors, and supported the rapid development of convention and exhibition, tourism and hotel industries. The Commissioner of Rating and Valuation (C of R&V) advised that the vacancy rate of industrial floor space in Sha Tin District had reduced over the last three years (2006 to 2008) from 4.3% to 2.4%. This was in line with the trend in the territory (from 6.5% to 5.9%) over the same period of time;

(d) during the statutory publication periods, a total of 19 public comments were received objecting to the application. The public comments were highlighted in paragraph 10 of the Paper and summarized below:

- approval of the application might lead to the cumulative loss of industrial land at Fo Tan Industrial Area (FTIA);
- the proposed development would generate additional traffic and pedestrian flows in the area which would seriously aggravate the traffic condition of the surrounding road network;
- the proposed 35-37 storey tower blocks would create a ‘wall effect’ affecting the adjoining residential developments in terms of visual and air quality. It would also aggravate the heat island effect, thereby affecting the health of people working/living in the area. Besides, the glass curtain wall of the proposed development would have glare effect affecting the residents of Jubilee Garden;
- as Lok King Street might not be able to support heavy structure, the foundation/construction works of the proposed development would affect the structural stability of the nearby developments;
- the proposed development under current application was considered bulky (with a PR of 9.5) as compared with that the permitted development on the adjoining “Comprehensive Development Area (1)” (“CDA(1)”) site subject to a PR of only 4.2. The “CDA(1)” site incorporating commercial/retail development would provide a fully integrated transport interchange with easy access to the rail station also serve workers and residents in the area in the most convenient manner. As such, additional retail floor space in the area might not be necessary;
- the application was considered premature and should only be considered when the review of industrial areas had been completed by

the Planning Department (PlanD); and

- (e) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. Fo Tan was a well-established industrial area development since late 1970s. Based on the “Updated Area Assessments of Industrial Land in the Territory” (the 2005 Area Assessments) prepared by PlanD in 2005, the FTIA was recommended to continue to be reserved for general industrial uses for adequate supply of industrial floor space. C of R&V advised that the vacancy rate of industrial floor space in the territory as well as in Sha Tin District had been reduced over the last three years. DG of TI had raised objection to the application due to loss of industrial floor spaces. PlanD was of the view that if the existing godowns on the application site were redeveloped for other uses, it might further aggravate the situation of limited storage space provision, in particular the subject site was located next to a railway siding area. Such locational benefit could not be easily enjoyed by any other industrial sites in the territory. Furthermore, hotel use could be developed through planning applications in the “Residential (Group A)” and “Other Specified Uses” annotated “Business” zones. Under the proposed “CDA(2)” zone, the scale and intensity of the proposed hotel development with a PR of 9.5 were considered excessive when compared with the surrounding non-industrial developments, including Royal Ascot, Jubilee Garden and The Palazzo, which all had a PR of less than 5. Approval of the application would have possible implications on the ongoing exercise to update the 2005 Area Assessments and would pre-empt its findings. There were local concerns on the adverse impacts of the proposed development in terms of traffic, visual, air ventilation, and the structural stability of Lok King Street. The proposed development was considered not compatible with the surrounding setting. The lot owner of the adjoining “CDA(1)” site had also raised objection to the application mainly on the grounds that the subject proposal had not adequately taken into account the development as permitted in the “CDA(1)” site.

[Mr. Y.K. Cheng and Professor David Dudgeon arrived to join the meeting at this point.]

6. The Chairperson then invited the applicant's representatives to elaborate on the application. With the aid of a physical model and a Powerpoint presentation, Messrs. Kenneth To, Michael Chiang and Daniel Kwan made the following main points:

Planning Context of FTIA and the Application Site

- (a) Sha Tin and Ma On Shan had been developing as a medium-scale and mature new town over the past 30 years. With its locational advantage next to the Chinese University, Science Park and the Hong Kong Sports Institute, Fo Tan had the potential to be re-planned as a cultivating hub for the six economic priority areas as advocated by the HKSAR Government, i.e. educational services, medical services, testing certification, innovation and technology, cultural and creative industries, and environmental industries;
- (b) FTIA was undergoing transformation from a self-contained industrial area providing job opportunities to the nearby workers to a multi-cultural hub serving the territory. Over the past years, many industrial workshops in FTIA had been converted to arts studios, ceramic workshops, drama clubs and training venues, cookery clubs and sports clubs. According to a survey carried out by the Chinese University in 2007, the respondents (the arts workshop operators) agreed to the partial restructuring of land uses in FTIA. More retail and commercial facilities should be provided within the area. The respondents also agreed that street beautification and improvement to the pedestrian connection with the East Rail Fo Tan Station would enhance the image of FTIA;
- (c) the existing godowns at the application site, served directly by railway, were built by the applicant in the 1970's to ensure that adequate and stable supply of rice and other foodstuff could be directly transported to Hong Kong from Mainland. However, with the changing circumstances and the increasing importance of the road-based cross-boundary transport, the strategic need to locate these godowns along the railway was no longer

required. As such, it was more appropriate to redevelop the industrial area for other commercial developments or other supporting retail facilities to support the arts workshops which were flourishing in Fo Tan;

- (d) Fo Tan was strategically located along the East Rail which provided services to more than 250,000 passenger trips per day for the visitors to/from the Mainland. Redevelopment of the application site for the proposed hotel development could therefore capitalize on such a strategic location to serve the cross-boundary travellers, thus promoting tourism industry in Hong Kong;

Development Proposals and Design Merits of the Proposed Development

- (e) with the close proximity to the East Rail Fo Tan Station and the large shopping malls in Sha Tin Town Centre, the proposed hotel could contribute to the tourism industry as a whole;
- (f) the application site served as a buffer to reduce the industrial/residential interface problem in the existing Fo Tan area;
- (g) in order to enhance the connectivity between the proposed development and the existing residential developments such as Jubilee Garden and the Royal Ascot, there would be a footbridge connection between the East Rail Fo Tan Station Concourse and Level 3 of the development;
- (h) there would be covered floor spaces at the centre of the podium at Levels 3 and 4 dedicated as a semi-enclosed artist corridor/exhibition area. That could contribute positively to the mixed use nature and the arts hub status of FTIA;
- (i) the proposed development had an overall PR of 9.5, however, the enclosed development would only account for a PR of 8 whereas a PR of 1.5 had to be reserved for the covered green podium and areas which would be subject to PR calculation according to the practices of Buildings Department and Lands Department. The proposed development would provide building

setback on the ground floor but the applicant would not make any claim for bonus plot ratio for the setback area under the Buildings Ordinance;

- (j) the proposed development would adopt a permeable design to reduce the building mass and improve the air ventilation. The ground level would be opened up through the design of a public piazza. The floor plates would be staggered and set back on upper floors, thus increasing the gap between buildings;
- (k) there was at present no shuttle or mini bus service serving FTIA to the East Rail Fo Tan Station. As such, a shuttle service was proposed at the application site, which would connect the East Rail Fo Tan Station and benefit about 95% of industrial buildings within FTIA;

Other Merits of the Proposed Development

- (l) given that it was no longer necessary to locate the existing warehouses at the application site, the use of the site for hotel development could maximize the land resources and better serve the need of the whole society;

Responses to PlanD's Concerns

- (m) regarding the concern on the loss of warehouse floor space should the existing premises be redeveloped for hotel use, it should be noted that the applicant also owned another warehouse at Tsing Yi having a total GFA of 114,000m² (with capacity almost doubled the existing premises). The overall provision of storage space should not be reduced;
- (n) existing workforce (64 nos.) would be absorbed by the Tsing Yi Warehouse. There would be about 1,170 nos. of new job created by the hotel and retail developments;
- (o) there were no adverse comments from the Urban Design Unit of Planning Department on the visual impact of the proposed development. Further discussions on detailed design to minimize visual impacts would be carried out; and

- (p) the application site had a direct connection with the East Rail Fo Tan Station and such strategic location would prevent setting an undesirable precedent in the area. Moreover, other industrial buildings in FTIA were largely held under multiple ownership and the chance for redevelopment was quite unlikely.

7. Members had the following questions:

- (a) whether there were any statistical figures on the actual demand for industrial sites at Fo Tan;
- (b) the number of hotel developments in Sha Tin District;
- (c) noting that there was a “CDA(1)” site adjacent to the application site, whether the approval of current rezoning application for hotel use could still be considered as setting a precedent case;
- (d) whether the applicant would accept a lower PR for hotel development with reference to an approved application (No. A/ST/649) at Siu Lek Yuen proposing the development of a hotel block of 24 storeys over a 4-storey podium with a PR of 5;
- (e) whether the applicant would consider other commercial uses instead of hotel; and
- (f) the usage rate of the existing Sha Tin Cold Storage and Pak Sik Godown and the redevelopment programme of the of the existing warehouse; and whether DG of TI was aware of reprovisioning the existing storage in FTIA to Tsing Yi.

[Mr. Rock C.N. Chen left the meeting at this point.]

8. In response to Members’ questions in paragraphs 7 (a) to (d) above, Mr. W.W. Chan made the following main points:

- (a) PlanD was now updating the Area Assessments on Industrial Land in the Territory, the results of which would be available in late 2009/early-2010. However, based on the results of the 2005 Area Assessments and the statistics provided by C of R&V, the vacancy rate of industrial floor space in Sha Tin District had reduced over the last three years (2006 to 2008) from 4.3% to 2.4%. Site observations also confirmed that the industrial activities in FTIA were still vibrant. It was thus necessary to retain adequate supply of industrial floor space in Fo Tan to meet the demand at the moment;
- (b) he had no information on the number of hotels in Sha Tin in hand. However, flexibility had already been built in for hotel development under various zonings. Hotel use was always permitted in “Commercial/Residential” zone. For “Residential (Group A)” zone as well as the “Other Specified Uses” annotated “Business” zone in Shek Mun Industrial Area and the “Industrial(1)” zone in Siu Lek Yuen Industrial Area, hotel could be developed subject to obtaining planning permission;
- (c) the development in the adjacent “CDA(1)” site was restricted to a maximum total GFA of 208,600m², which was equivalent to a PR of about 4.196. A Master Layout Plan for the “CDA(1)” site was yet to be approved by the Committee. Other non-industrial uses in Fo Tan Area would not exceed a PR of 5. As such, approval of the current application with a PR of 9.5 would set an undesirable precedent. Such a scale would also be incompatible with other non-industrial uses. Besides, while a new Area Assessments exercise was undergoing, approval of the application would pre-empt the recommendations of the new Area Assessments; and
- (d) the proposed hotel development at Siu Lek Yuen (under Application No. A/ST/649) previously approved by the Committee was based on the results of the 2005 Area Assessments. The 2005 Area Assessments revealed that the demand for industrial floor space at Siu Lek Yuen was far less than that of Fo Tan. As such, there was more flexibility in converting industrial land for other non-industrial land use (such as hotels) at Siu Lek Yuen.

Moreover, if the current application for hotel use was approved by the Committee, its development intensity (with PR up to 9.5) would be excessive as compared with other non-industrial uses in the surrounding areas.

9. In response to Members' questions in paragraphs 7(d) to (f) above, Messrs. Daniel Kwan and Michael Chiang made the following main points:

- (a) regarding the Committee's concern on the building bulk (i.e. with a PR of 9.5), there was room for further improvement in the design and layout of the proposed development. However, in considering the proposed PR, it should be noted that there were some floor space dedicated for covered landscaped area and the public piazza which could take up some GFA/PR (PR 1.5) in accordance with the current practice of Buildings Department and Lands Department. Should the Committee agree on a PR of 5 for the whole development, an additional PR of 1.5 should be added to the development in order to accommodate these covered landscaped areas and the public piazza. That said, if the PR for these areas were included, the actual PR would be reduced to 3.5, the proposed development would then be economically non-viable;
- (b) the proposed change of use from a warehouse to hotel development could cater for the business travellers to/from the Mainland and meet the demand for hotel rooms in the territory. Moreover, it could also provide about 1,170 job opportunities, thus promoting tourism industry and enhancing the economic development of Hong Kong at large; and
- (c) the usage rate of Sha Tin Cold Storage and Pak Sik Godown was about 80% and the applicant had not yet informed DG of TI of the relocation to the warehouse at Tsing Yi. The relocation to the warehouse to Tsing Yi would not affect the operation of the local cold storage services. Regarding the relocation time table, it would take up some time to discuss with Lands Department on the land matters.

10. The Chairperson noted that a previous rezoning application No. Y/ST/6 for the application site was rejected by the Committee in 2008, and enquired that what were the major changes made in the current application as compared with the previously rejected application. She also asked the applicant how the previous concerns raised by the Committee at the last meeting had been addressed in the current application.

11. Mr. Kenneth To remarked that Members previously had concerns about the approval of proposed hotel development would pre-empt the findings of the 2005 Area Assessments at the time of submission of Application No.Y/ST/6 in 2008. While waiting for the results of the updated Area Assessment, the applicant had commissioned the Chinese University to conduct a survey with the operators in FTIA to collect their views regarding their visions on future Fo Tan areas. Knowing that the Government had also taken the initiative to advocate six economic priority industries, it seemed that Fo Tan was a suitable place to cater this development. As such in the current submission, the applicant had provided a revised proposal to reserve some floor spaces for cultural exhibition venues to match up with the development of these six priority industries.

12. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairperson informed them that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's representatives as well as PlanD's representatives for attending the meeting. They all left the meeting at this point.

Deliberation Session

13. In response to a Member's question on the overall demand for industrial land uses in the territory, the Chairperson pointed out that over the past 20 years, over 500ha of industrial land had been rezoned to other uses to cater for the changing economy, of which some 200ha rezoned to "Other Specified Uses" annotated "Business". There were now only about 300ha of land retained under the "Industrial" zoning within the territory. In the current review exercise, opportunities would be taken to review the industrial land use including the development of "Other Specified Uses" annotated "Business" zone for the whole territory. As such, a prudent approach to maintain the currently zoned industrial land might be appropriate before the results of findings of the updated assessments and the figure on the occupancy rate of industrial land were available.

14. Members also had the following comments on the application:

- (a) the development intensity of the proposed development at PR of 9.5 was considered too excessive as compared with other non-industrial uses in the vicinity; and
- (b) there was still a high usage of the Sha Tin Cold Storage and Pak Sik Godown No. 1. A firm programme to re-provision the cold storage and godown to Tsing Yi had yet to be worked out by the applicant;
- (c) there was no change in planning circumstances since the rejection of the previous application; and
- (d) approval of the application for hotel development would pre-empt the findings of the updated Area Assessments and thus was premature.

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

- (a) Government was updating the Area Assessments on Industrial Land in the Territory. Approval of the application for hotel development was

considered premature at this stage as it would pre-empt the findings and recommendations of the study;

- (b) the subject site was located in the well-established Fo Tan Industrial Area with the planning intention primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries and office related to industrial use were also always permitted in this zone. The proposed amendment to “Comprehensive Development Area (2)” (“CDA(2)”) zone for hotel development would reduce the supply of industrial floor space. There were no strong justifications for rezoning the site from “Industrial” (“I”) to “CDA(2)” zone for hotel development. The current “I” zone for the site was considered appropriate;
- (c) the scale and intensity of the proposed hotel development with a plot ratio of 9.5 at the proposed “CDA(2)” were considered excessive and not compatible with the surrounding non-industrial developments; and
- (d) the approval of the application would set an undesirable precedent for other similar applications for rezoning “I” site for non-industrial developments. The cumulative effect of approving such similar applications would lead to a significant loss of industrial floor space in the area.

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

Sai Kung and Islands District

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/34 Proposed 2-storey House in “Residential (Group D)” zone,
Lots 738 (Part) and 749 in D.D. 226 and Adjoining Government Land,
Tan Shan, Sai Kung
(RNTPC Paper No. A/SK-TLS/34)

16. The Committee noted that the applicant’s representative had requested on 18.8.2009 for deferment of the consideration of the application for two months in order to address the comments from various Government departments.

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

Sha Tin, Tai Po and North District

[Ms. Stephanie P.H. Lai and Ms. Jessica K.T. Lee, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-KTS/3 Application for Amendment to the
Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12
from “Agriculture” to “Other Specified Uses” annotated “Rural Use”
or from “Agriculture” to “Comprehensive Development Area”,
Various Lots in D.D. 92 and Adjoining Government Land,
Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/3A)

18. The Committee noted that the applicant’s representative had requested on 14.8.2009 for deferment of the consideration of the application for two months in order to allow more time for him to prepare supplementary information.

19. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within 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/NE-HT/5 Temporary Place of Recreation (Barbecue Areas, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years in “Agriculture” zone, Lots 641RP, 648, 651, 653, 654 (Part), 655 (Part), 656 (Part), 658-662, 663 (Part), 666 S.A to S.C in D.D. 76 and Adjoining Government Land, Hok Tau, Fanling
(RNTPC Paper No. A/NE-HT/5)

20. The Committee noted that the applicant had requested on 26.8.2009 for deferment of the consideration of the application for two months in order to allow more time for preparation of supplementary information to address the traffic and environmental issues.

21. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that 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 (NTEH) - 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/274A)

22. The Committee noted that the applicant’s representative had requested on 17.8.2009 for deferment of the consideration of the application for two months in order to allow more time for him to prepare supplementary information to address public comments on the application.

23. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that 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 & 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/279 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in “Agriculture” zone,
Lot 488 S.A in D.D. 94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/279 & 280)

A/NE-KTS/280 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in “Agriculture” zone,
Lot 488 RP in D.D. 94, Hang Tau Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/279 & 280)

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

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed House (New Territories Exempted Houses (NTEHs)- Small Houses) at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation commented that the application sites were located on a piece of abandoned land overgrown with grass, and a large nursery garden was found next to the abandoned land. As the application sites were graded ‘fair’ agricultural land with ‘high’ potential for developing into a nursery garden, the applications were not supported from an agricultural development point of view. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the applications as the NTEH developments should be confined within “Village Type Development” (“V”) zone as far as possible;
- (d) during the statutory publication period, two public comments were received indicating “no comment” on each application. The District Officer (North), Home Affairs Department advised that two comments were

received from two Indigenous Inhabitants' Representatives (IIRs) of Hang Tau who raised objections to the applications on traffic and drainage grounds. For application No. A/NE-KTS/280, some local villagers indicated that there used to be a footpath passing through the application site which was frequently used by villagers. They opined that the applicant should be responsible to provide another footpath for villagers if a Small House would be built on land; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed Small House developments complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprints of the proposed Small Houses fell entirely within the 'village environs' ('VE') of Hang Tau 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 Small House developments were considered not incompatible with the adjacent village setting and rural environment. There were reservations on traffic and agricultural development grounds, and local objections from IIRs of Hang Tau Village on traffic and drainage grounds. Nevertheless, the application sites fell entirely within the 'VE' of Hang Tau Village. As there were 28 similar applications for Small House developments previously approved in the vicinity of the application sites within the same "AGR" zone, sympathetic consideration could be given as other relevant Government departments had no objection to the applications. Regarding reprovisioning of footpath raised by the local villagers, it should be noted that the footpath was on the northeastern fringe of the application site boundary and the footprint of the proposed Small House would not encroach onto the footpath. The applicant had also revised the location of the septic tank away from the footpath and reprovisioning of the footpath would not be required.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.9.2013, and after the said date, the permission should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permission was subject to the following conditions :

- (a) the submission and implementation of 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.

28. The Committee also agreed to advise the applicants of the following:

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

- (iii) water mains in the vicinity of the application sites could not provide the standard fire-fighting flow;
- (b) to note that the permissions were only given to the developments under applications. If provision of an access road was required for the proposed developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works; and
- (c) the proposed development should not affect the footpath to the northeast of the application site.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/281 Proposed House

(New Territories Exempted House (NTEH) - Small House)

in “Village Type Development”, “Agriculture” and “Green Belt” zones,

Lot 454 S.A RP in D.D. 94, Hang Tau Village, Sheung Shui

(RNTPC Paper No. A/NE-KTS/281)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed House (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) during the statutory publication period, one public comment was received indicating “no comment”. The District Officer (North), Home Affairs Department advised that two comments from Indigenous Inhabitants’ Representatives (IIRs) of Hang Tau Village raised objections to the application on traffic and drainage grounds; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 13 of the Paper. The proposed Small House development complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that not less than 50% of the proposed NTEH/Small House footprint (i.e. about 72% of the proposed Small House footprint) fell within the “Village Type Development” (“V”) zone, and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. Favourable consideration could be given to this application even though more than 50% of the proposed Small House footprint (i.e. about 52% of the proposed Small House footprint) was located outside the ‘village environs’ (‘VE’). The application site was considered not incompatible with the adjacent village setting and rural environment. Although there were local objections from IIRs of Hang Tau Village on traffic and drainage grounds, 27 similar applications for Small House developments were previously approved in the vicinity of the application site within the same “Agriculture” zone, sympathetic consideration could be given as Government departments including the Director of Agriculture, Fisheries and Conservation and the Assistant Commissioner for Transport/ New Territories, Transport Department had no strong view against/no in-principle objection to the application.

30. Members had no question on the application.

Deliberation Session

31. 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 4.9.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should take preventive measures to avoid causing disturbance to the wooded area in the adjacent "Green Belt" zone; and
- (c) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure such access road (including any necessary filling/excavation of land) comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 11 & 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/399 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in "Agriculture" zone, Lot 614 S.C in D.D. 83,
Kwan Tei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/399 & 400)

A/NE-LYT/400 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in "Agriculture" zone,
Lot 614 S.B in D.D. 83, Kwan Tei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/399 & 400)

33. Noting that the two applications were similar in nature and the application sites were close to each other and within the same "Agriculture" ("AGR") zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed Houses (New Territories Exempted Houses (NTEH- Small House) at each of the application sites;
- (c) departmental comments – the District Lands Officer/North, Lands Department did not support the applications in accordance with prevailing land policy as both sites fell outside the ‘village environs’ (‘VE’). The Director of Agriculture, Fisheries and Conservation did not support the applications from agricultural development point of view as the application sites had high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department had reservation on the proposed developments as Small Houses should be confined within “Village Type Development” zone;
- (d) during the statutory publication period, 9 public comments were received. One public comment stated “no comment” while the other 8 comments objected to the application on the grounds that the proposed Small Houses would cause flooding to the existing residences, contaminate the existing water well and the farm, security problem, environmental hygiene problem and affect the existing residents livelihood and property. The District Officer (North), Home Affairs Department advised that the Residents Representative of Kwan Tei supported the applications. However, a group of villagers of Kwan Tei Tsuen objected to the applications on the grounds of residents’ safety, public health, public order and possible ecological and drainage impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper.

The proposed Small House developments did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development in that the proposed Small House footprints fell entirely outside the 'VE' of a recognized village. Development of NTEH/Small House with more than 50% of the footprint outside the 'VE' and the "Village Type Development" ("V") zone would normally not be approved unless under very exceptional circumstances. There were other departmental reservations including the Director of Agriculture, Fisheries and Conservation and the Assistant Commissioner for Transport/New Territories, Transport Department. Moreover, there were local objections and public comments against the applications mainly on drainage, environmental, public health and safety grounds. As such, sympathetic consideration could not be given to the proposed developments.

35. Members had no question on the application.

Deliberation Session

36. The Chairperson remarked that the application did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development. Development of NTEH/Small House with more than 50% of the footprint outside the 'VE' and the "V" zone would normally not be approved unless under very exceptional circumstances. Concerned departments also had reservations on the application. Members noted.

37. After deliberation, the Committee decided to reject the applications and the reasons were :

- (a) the proposed developments did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development as the application sites fell outside the "Village Type Development" zone and 'village environs' of a recognized village. There were no exceptional circumstances to merit special consideration of the applications;

- (b) the use under application was not in line with the planning intention of the “Agriculture” zone for the area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation. There was no strong justification in the submission for a departure from the planning intention; and
- (c) the approval of the applications would set an undesirable precedent for other similar applications. The cumulative impacts of approving such applications would result in adverse traffic impact of the area.

Agenda Item 13

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/1A)

38. The Secretary reported that the application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd.. Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd.. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Cheng could stay at the meeting. Members also noted that Mr. Yap had tendered an apology for being unable to attend the meeting.

39. The Committee noted that the applicant’s representative had requested on 14.8.2009 for deferment of the consideration of the application for two months in view of the gazettal of the draft Sham Chung Outline Zoning Plan and the ongoing representation process, and in order to prepare responses to the outstanding departmental comments on the application.

40. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/398 Proposed Three Houses
 (New Territories Exempted Houses (NTEH) - Small Houses)
 in “Village Type Development” and “Agriculture” zones,
 Lots 243 S.A, 243 S.B, 243 S.C and 243 RP in D.D. 8,
 Tai Mong Che, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/398)

Presentation and Question Sessions

41. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed three houses (New Territories Exempted Houses (NTEHs)- Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received from the owners and tenants of the nearby Tai Yeung Che Village objecting

to the application. No local comment was received by the District Officer (Tai Po), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed Small Houses generally met the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the proposed Small House footprints were entirely within the 'village environs' and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of the villages concerned. The proposed Small Houses with the revised footprints were not incompatible with the surrounding rural environment. Though the application site was within the water gathering ground (WGG), it would be able to be connected to the planned sewerage system. Both the Director of Environmental Protection and the Chief Engineer/Development(2), Water Supplies Department consulted had no objection from the WGG protection point of view.

42. Members had no question on the application.

Deliberation Session

43. 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 4.9.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small Houses should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small Houses to be connected to the public sewerage network;
- (c) to note that there was no existing public stormwater drain maintained by the Drainage Services Department (DSD) available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicants were required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) to note that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the development and the provision of septic tank;

- (e) to make proper sewer connection from the proposed Small Houses to the public sewerage at their own cost;
- (f) the applicants should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by DSD;
- (g) to note that the existing water mains as shown on Plan A-2 of the Paper would be affected and the applicant should bear the cost of any necessary diversion works affected by the proposed development;
- (h) to note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (j) to note the comments from Head of Geotechnical Engineering Office, Civil Engineering and Development Department in paragraph 8 of Appendix V of the Paper and employ an Authorized Person or qualified geotechnical engineers in carrying out a slope assessment and the implementation of stabilization works identified therein. If the investigation showed that the proposed development would adversely affect or be affected by the adjacent slopes, and landslip preventive or remedial works were required, then the works proposal together with the prescribed plans for site formation works should be submitted to the Buildings Department under the provisions of the Buildings Ordinance;
- (k) to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (l) prior consultation and arrangement with the electricity supplier were

necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;

- (m) prior to establishing any structure within the application site, the applicants and their 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
- (n) to observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/399 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 727 in D.D. 10, Ng Tung Chai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/399)

Presentation and Question Sessions

45. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed House (New Territories Exempted House (NTEH)- Small House);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the application as the site fell within “Agriculture” (“AGR”) zone and agricultural activities in the area were active;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The application was not in line with the planning intention of the “AGR” zone. There was no strong justification in the current submission for a departure from the planning intention. The application did not meet the interim criteria for consideration of application for NTEH/Small House in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ng Tung Chai even though the application site was entirely within the ‘village environs’ (‘VE’) of Ng Tung Chai and the proposed Small House could be connected to the planned sewerage system. Any proposed Small Houses should be developed within the “V” zone first so as to ensure a more orderly development pattern, efficient use of land and provision of infrastructures and services in the “V” zone.

46. Members had no question on the application.

Deliberation Session

47. The Chairperson remarked that there was no strong justification to support the proposed development of Small House in the “AGR” zone. Moreover, the application did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. Members noted.

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the current submission for a departure from the planning intention;
- (b) the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ng Tung Chai; and
- (c) Small Houses should be developed within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructures and services.

Agenda Items 16 & 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/290

Proposed House

(New Territories Exempted House (NTEH) - Small House)

in “Agriculture” zone,

Government Land in D.D. 15, Shan Liu Village, Tai Po

(RNTPC Paper No. A/NE-TK/290)

A/NE-TK/291 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in “Agriculture” zone,
Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/291)

[Professor David Dudgeon left the meeting temporarily at this point.]

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

50. The Secretary also reported that Professor David Dudgeon had declared interest in these items as he was a Trustee of the World Wide Fund (Hong Kong), which had submitted comments on the applications. Members noted that Professor Dudgeon had left the meeting temporarily for this item.

Presentation and Question Sessions

51. Ms. Jessica K.T. Lee, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) proposed Houses (New Territories Exempted House (NTEH)- Small House) at each of the application sites;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department did not support the applications as the proposed Small Houses would adversely affect an existing access and the applications failed to comply with the 30m minimum distance requirement between the soakaway pits and the natural stream course. The Director of Agriculture, Fisheries and Conservation did not support the applications from agricultural and nature conservation points of view as the sites had high potential for agricultural rehabilitation. There was no information

provided by the applicants to demonstrate that the natural stream course and the riparian vegetation in the vicinity of the sites would not be affected by the proposed development. The Director of Environmental Protection did not support and the Director of Water Supplies objected to the applications for reason of the potential water quality impact on the water gathering ground (WGG). The Assistant Commissioner for Transport/ New Territories, Transport Department had reservation on the applications and raised concern on the cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the applications from landscaping planning point of view as there had been extensive vegetation clearance in the vicinity of the sites causing significant damage to the existing landscape quality. If the applications were approved, they would set undesirable precedents to other similar applications in the area;

- (d) during the statutory publication period, 3 public comments were received on each of the applications while the World Wide Fund (Hong Kong) and Kadoorie Farm & Botanic Garden Corporation objected to the applications on the grounds that the proposed developments would cause adverse sewerage and environmental impacts on the surrounding area and set an undesirable precedent. The individual commenter also pointed out that unauthorised site formation had been carried out and construction waste had been dumped at the application sites; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed developments could not be considered as complying with the Interim Criteria for assessing planning application for NTEH/Small House development as the proposed Small Houses, being located within the WGG and less than 30m from the natural stream course, could not be connected to the planned sewerage system in the area. Government departments including the Director of Environmental Protection did not support and the Chief Engineer/Development(2), Water Supplies Department objected to the applications for reasons of the potential water quality impact on the

WGG. There was insufficient information in the submission to demonstrate that the proposed developments could be connected to the planned sewerage system or that the proposed developments would not cause adverse impact on the water quality in the area. The applicants had also not provided information to demonstrate that the natural stream course and the riparian vegetation in the vicinity of the site would not be affected by the proposed developments. As no similar planning application for Small House development had been approved before in the vicinity, approval of the applications would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and the landscape quality of the area.

52. Members had no question on the application.

Deliberation Session

53. The Chairperson remarked that the applications did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development and concerned departments did not support the applications. Members noted.

54. After deliberation, the Committee decided to reject the applications and the reasons were :

- (a) the proposed developments did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development as the proposed developments could not be connected to the planned sewerage system in the area. There was insufficient information in the submission to demonstrate that the proposed developments located within the Water Gathering Ground would not cause adverse impact on the water quality in the area;
- (b) there was insufficient information in the submission to demonstrate that the proposed developments would not have adverse landscape impacts, and the

natural stream course and the riparian vegetation in the vicinity of the sites would not be affected by the proposed developments; and

- (c) the approval of the applications would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the rural environment and landscape quality of the area.

[The Chairperson thanked Ms. Stephanie P.H. Lai and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members' enquires. Ms. Lai and Ms. Lee left the meeting at this point.]

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

[The meeting adjourned for a break of five minutes.]

Tuen Mun and Yuen Long District

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

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/188 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lots 2785S.Y, 2785S.Z and 2785 RP (Part) in D.D. 124,
Shun Fung Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/188)

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) proposed utility installation for private project (electricity package substation (EPS));
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received supporting the application. No local comment was received by the District Officer (Tuen Mun), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The proposed electricity package substation (EPS) was to serve the proposed 19 New Territories Exempted Houses/Small Houses in the same “Village Type Development” (“V”) zone for which building licences had been granted by District Lands Officer/Tuen Mun, Lands Department. The small scale substation (i.e. floor area of 11.66m² and 2.92m tall on a

site of 55m²) was not incompatible with the surrounding area of rural character dominated by village houses, fallow and cultivated agricultural land. It was anticipated that the proposed EPS had no significant adverse impacts on health, environment, traffic, infrastructural capacity and landscape. To address the technical issues raised by the Government departments, approval conditions requiring submission and implementation of landscape proposal, drainage proposal and fire service installations proposals were recommended in the Paper.

56. Members had no question on the application.

Deliberation Session

57. 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 4.9.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Tuen Mun, Lands Department's comments that permission under lease should be applied for erection of the proposed electricity package substation; and the construction and operation of the proposed electricity package transformer should in no circumstances

adversely affect the emergency vehicle access adjoining the site;

- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the layout should be improved so that the planters were integrated with the proposed fence wall to make efficient use of the space within the site. Alternative design with the fence on the inside and plants on the outside edge screening the proposed structures should be considered; proper drainage must be provided for closed bottom planters to avoid water logging;
- (c) to note the Director of Health's comments that guideline levels recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in "Guidelines for limiting exposure to time varying electric, magnetic and electromagnetic fields (up to 300GHz)" provided sufficient protection to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities; as a reassurance, it was advisable that compliance with the ICNIRP guidelines be verified by direct on-site measurements, to be performed by relevant parties, upon commissioning of the electricity package transformer;
- (d) 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;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structures for approval under the Buildings Ordinance was necessary. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage, applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and

- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (CE/Dev(2), WSD) 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 standards, and the water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/64 Temporary Barbecue Area and Ancillary Children's Play Area
for a Period of 3 Years
in "Village Type Development" zone,
Lots No. 263S.B(Part), 264S.A(Part), 264 RP(Part) , 267S.A RP,
267S.A ss.1(Part), 267S.B(Part) , 267S.C (Part) , 267S.D, 267 RP,
268, 270(Part), 271(Part), 272(Part) and 273(Part) in D.D. 385,
Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/64)

59. The Committee noted that the applicant's representative had requested on 27.8.2009 for deferment of the consideration of the application for another two months in order to allow more time for preparing further information to address the comments of the Chief Engineer/Mainland North of Drainage Services Department and the Chief Town Planner/Urban Design and Landscape of Planning Department.

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

[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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/638 Temporary Open Storage of Containers,
Logistics Centre and Ancillary Workshop for a Period of 3 Years
in "Open Storage" zone,
Lots No. 1231 RP, 1243 RP, 1244 RP(Part), 1245 RP(Part),
1279(Part), 1280(Part), 1281(Part), 1282(Part), 1285(Part),
1286, 1287, 1288, 1289, 1290(Part), 1294(Part), 1295 RP(Part),
1351(Part), 1352(Part), 1353(Part), 1354(Part), 1355, 1356(Part),
1357(Part), 1358 RP(Part) and 1359(Part) in D.D. 125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/638)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of containers, logistics centre and ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access roads (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). The site 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 not incompatible with the surrounding land uses. Although DEP did not support the application, there had not been any environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on the operation hours, stacking height of materials/containers on-site, had been recommended in the Paper. Besides, the applicant would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the adjacent areas. Technical concerns raised by other Government departments could be addressed by imposing approval conditions as recommended in the Paper. Similar applications had been granted in the past, there had been no material change in the planning circumstances in the surrounding areas. Approval of the subject application was therefore in line with the Committee's previous decisions.

62. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 4.9.2012, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) 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 4.3.2010;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2010;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (h) the submission of fire service installations proposal for the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (i) in relation to (h) above, the provision of fire service installations for the office within 9 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;

- (j) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long 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 the converted container office on the lots and to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would take appropriate lease enforcement/land control action against the registered owner/occupier according to the prevailing programme of his office in this regard;

- (d) to note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department (DSD) that DSD would commence a sewerage project in Yuen Long and Kam Tin. Part of the sewers/rising mains would be laid under Ha Tsuen Road in the vicinity of the site. The construction works for these sewers/rising mains would commence in September 2009 for completion in mid-2013;
- (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 submit an as-built landscape plan for record purpose upon implementation of the approved landscape proposal;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/639 Renewal of Planning Approval for Temporary Goods Vehicles Repair Workshop under Application No. A/YL-HT/460 for a Period of 3 Years in “Open Storage (Group 1)” zone, Lots 1489RP(Part), 1491RP(Part), 1492RP(Part), 1493(Part) and 1501RP(Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/639)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary goods vehicles repair workshop under Application No. A/YL-HT/460 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access roads (Ha Tsuen Road and Tin Ha Road), and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The development was generally in line with the planning intention of “Open Storage (1)” (“OS(1)”) zone which had already been occupied by a number of similar

workshops, open storage yards for construction machinery and warehouses. The applied use was therefore not incompatible with the surrounding land uses. Although DEP did not support the application, there had not been any environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on the operation hours had been recommended in the Paper. The applicant would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts on the adjacent areas. Technical concerns raised by other Government departments could be addressed by imposing approval conditions as recommended in the Paper. Since granting similar approvals, there had been no material change in the planning circumstances in the surrounding areas. Approval of the application was therefore in line with the Committee’s previous decisions.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2012, 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) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No.

A/YL-HT/460 should be maintained at all times during the planning approval period;

- (e) the submission of a condition record of the existing drainage facilities implemented under Application No. A/YL-HT/460 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2010;
- (f) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (g) in relation to (f) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2010;
- (h) the submission of fire service installations proposal for the office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (i) in relation to (h) above, the provision of fire service installations for the office within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (j) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long 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; and to clarify the discrepancy between the occupation area and the site area under application, as well as the total built-over area of structures erected on the site;
- (c) to note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD) that DSD would commence a sewerage project in Yuen Long and Kam Tin. Part of the sewers/rising mains would be laid under Ha Tsuen Road in the vicinity of the site. The construction works for these sewers/rising mains would commence in September 2009 for completion in mid-2013;
- (d) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the Director of Fire Services’ comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (f) 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 any unauthorized structures existing

on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/177 Proposed School Extension with Minor Relaxation of Plot Ratio from 0.4 to 0.815 (HKMLC Wong Chan Sook Ying Memorial School) in “Residential (Group C)” zone,
Lot 4739 in D.D. 104, Fairview Park, Mai Po, Tai Sang Wai,
Yuen Long
(RNTPC Paper No. A/YL-MP/177)

69. The Secretary reported that a replacement page (p.2) for the Paper was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed school extension with minor relaxation of plot ratio from 0.4 to 0.815 (Hong Kong and Macau Lutheran Church (HKMLC) Wong Chan

Sook Ying Memorial School);

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. No local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Though the current scheme sought relaxation of plot ratio restriction from 0.4 to 0.815, the actual increase in GFA was 140m² for the new annex block (122m²) and the covered walkway (18m²). The additional GFA of the annex block had been covered by a previous application (No. A/YL-MP/162) (with a PR of 0.808) in 2007. The proposed inclusion of covered walkway would only increase the PR from 0.808 to 0.815. The proposed extension was small in scale and compatible with the surrounding areas. The proposed one-storey annex building was also considered to be in keeping with the existing 4-storey school building and the nearby low-rise and low-density residential development, Fairview Park, in the neighbourhood. The proposed school extension would unlikely cause any significant traffic, drainage, environmental and ecological impacts on the surrounding areas. Relevant bureaux/Government departments including the Secretary for Education had no adverse comments on the application.

71. Members had no question on the application.

Deliberation Session

72. The Chairperson pointed out that the current proposal including the annex block and a covered walkway was in line with the scheme in the previous application approved in 2007 and the inclusion of the covered walkway and increase in plot ratio was due to the requirement of Buildings Department. The actual increase in PR compared to the previous

scheme was only about 18m². Members noted.

73. 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 4.9.2013, 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 existing landscape planting on the site should be maintained at all times; and
- (b) the submission and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Director of Agriculture, Fisheries and Conservation's comments that since the proposed school extension was within Wetland Buffer Area, the applicant might wish to implement appropriate measures to avoid any potential off-site disturbance impacts, e.g. noise disturbance, on wintering water birds in the Wetland Conservation Area; and
- (b) 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. Provision of Emergency Vehicular Access in the site should comply with the standards stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue.

[Mr. Y.M. Lee left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/187 Proposed 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/187C)

75. The Secretary reported that the application was submitted by the Hong Kong and China Gas Co. Ltd.. Mr. Alfred Donald Yap had declared interests in this item for having current business dealings with the applicant. Nevertheless, the applicant had requested for a deferment of consideration of the application. Members noted that Mr. Yap had tendered an apology for being unable to attend the meeting.

76. The Committee noted that the applicant’s representative had requested on 27.8.2009 for deferment of the consideration of the application for two months as additional time was required for further consultation with the relevant Government departments to resolve technical issues and prepare supplementary information.

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

[Professor David Dudgeon left the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/192 Temporary Warehouse for Storage of Stainless Steel Sheets and Coils
for a Period of 2 Years
in “Other Specified Uses” annotated “Comprehensive Development to
include Wetland Restoration Area” zone,
Lots 3719 S.P ss.1 S.A (Part) and 3719 S.P ss.3 (Part) in D.D. 104,
Tai Sang Wai, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/192)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of stainless steel sheets and coils for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the access road and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) considered that the site was zoned as “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) to allow an appropriate level of residential/recreational development which served as incentives to displace the open storage use and/or to restore degraded wetlands. The proposed use, therefore, did not comply with the planning intention of the zoning. Although the site had been filled and the application was for continuation of existing use, it would be desirable to discourage such kind of use in view of its planning intention;

- (d) during the statutory publication period, 3 public comments were received from two Yuen Long District Council Members, the Fairview Park Property Management Limited and an individual objecting to the application on grounds that the applied use was not in line with planning intention and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The development would have adverse traffic, drainage, ecological and environmental impacts on the surrounding area and might create more confrontation between the residents of Fairview Park and the operators of the open storage development. Moreover, the development would overload Fairview Park Boulevard, cause noise pollution and create road safety issues to the surrounding areas. The application was not compatible with the surrounding areas. The Manager of the Fairview Park Property Management Limited objected to the development because it was not in line with the planning intention; it would overload Fairview Park Boulevard, cause noise pollution and create road safety issues to the surrounding areas;

- (e) on 1.9.2009 the applicant submitted further information (a copy of which was tabled at the meeting) to the Secretariat to address the public comments received during the statutory publication period as below:
 - (i) there was no material change in planning circumstances of the application site and the neighbourhood and there was currently no known programme for developing the site and its surroundings to the planned use. The proposed temporary warehouse would not frustrate the long-term planning intention of the “OU(CDWRA)” zone;

 - (ii) the proposed warehouse was compatible with the surrounding areas characterized and dominated by a mixture of open storage and port back-up uses, warehouses and workshops;

 - (iii) the proposed warehouse would only generate an average of 6 traffic

trips per month, the same low traffic generation as the previous planning permission. Fairview Park Boulevard would not be used by the proposed warehouse as vehicular access to the application site. As such the proposed development would have no adverse traffic impact in the locality. Transport Department did not have adverse comment on the application;

- (iv) the previous approvals had demonstrated that the warehouse would not have any adverse impacts on the local infrastructure, environment and ecology. There were no adverse comments from Government departments;
- (v) the applicant had been facing unprecedented competitions from the neighbouring regions/countries, especially the Mainland China and undergoing unprecedented operational difficulties resulting from the sweeping economic transition/downturn; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The continued operation of the site for the applied use was not in line with the planning intention of the “OU(CDWRA)” zone. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis. The DAFC also considered that it would be desirable to discourage such kind of use in view of planning intention of the “OU(CDWRA)” zone. The applicant had not demonstrated any genuine efforts to try to relocate his use to other alternative locations, nor had provided any strong justifications that the use should be remained at the site. The previous planning approval was revoked due to non-compliance of the approval conditions on the provision of fire service installations. As such, no sympathetic consideration should be given to the application. The development was considered not compatible with the natural environment to the immediate south and further west of the site comprising fishponds within the Wetland Conservation Area, as well as the low-density Fairview Park. No information had been

included in the submission to demonstrate that there were no adverse traffic, environmental and ecological impacts on the surrounding residential use and fishponds. DEP did not support the application. Local objections objecting to the application on the grounds that the proposed development had adverse impacts in terms of environment, ecology, drainage, noise nuisance, additional burden on the local road network and road safety of the surrounding areas.

79. Members had no question on the application.

Deliberation Session

80. The Chairperson remarked that the application site was the subject of 6 previous applications, 5 of which had been approved by the Committee. The latest application (No. A/YL-NSW/178) was approved with conditions by the Committee on 14.9.2007. However, the applicant had been advised that a shorter approval period of 2 years, instead of 3 years, was granted to monitor the situation of the site and allow time for the relocation of business to other suitable locations. Members agreed that no sympathetic consideration should be given to the application having regard to the background of the application and PlanD's assessments in the Paper. The Chairperson suggested PlanD to consider whether appropriate statutory enforcement action against the suspected unauthorized developments in the surrounding areas was required.

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

- (a) the continuation of warehouse use on the site was not in line with the planning intention of the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there were no strong planning grounds to justify a departure from the planning intention even on a temporary basis;

- (b) the development was considered not compatible with the natural environment to its south and west of the site comprising fishponds within the wetland conservation area as well as the low-density residential area to its north. The applicant could not demonstrate that there were no adverse traffic, environmental and ecological impacts to the surrounding area; and
- (c) the applicant could not demonstrate in this application that he had made any genuine efforts to try to relocate his use to other alternative locations, nor had provided any strong planning justifications that the use should be remained at the site.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/469 Temporary Warehouse for Storage of Recycled Building Material Products for a Period of 3 Years in “Residential (Group D)” zone, Lot 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/469)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of recycled building material products for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) during the statutory publication period, one public comment was received objecting to the application on the grounds that there were many workshops in Ng Ka Tsuen/Kong Ha Wai area and the narrow village roads could not accommodate vehicular trips of large vehicles. Besides, the population of Kong Ha Wai was increasing. The Town Planning Board should take into account the road condition and respect the views of the village representatives in assessing the applications. The District Officer (Yuen Long), Home Affairs Department also received a comment which was the same as the public comment received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The development was not incompatible with the surrounding areas. Approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” zone since there was no known programme for the implementation of the zoned use at the site. Given no change in planning circumstances, there was no strong planning justification to depart from the Committee's previous decision. To address any possible environmental impact, approval conditions restricting the operation hours of the use and prohibiting medium or heavy goods vehicles and vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were recommended in the Paper. Besides, the applicant would be advised to undertake environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. Technical requirements from concerned departments could be addressed by imposing approval conditions as recommended in the Paper.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site during the planning approval period;
- (e) the drainage facilities agreed under the previous application No. A/YL-KTS/363 should be maintained at all times during the planning approval period;
- (f) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2010;

- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (j) in relation to (i) 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 4.6.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) 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.

85. The Committee also agreed to advise the applicant :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that unauthorized structures in the form of warehouse and office were included on the subject lot. His office reserved the right to take lease enforcement action against these irregularities. The registered owner(s) of the relevant lot should also

be reminded to apply for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and any irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owner(s). In addition, the vehicular access to the site passed through other private land. His office was not responsible for any maintenance works on private land nor guarantee right-of-way;

- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the applicant was required to differentiate between the existing trees and the landscaping trees planted in previous application. Tree protection measures should also be included as part of the landscape submission;
- (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 nuisances;
- (f) 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 Kam Sheung Road;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (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 provided. 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 structure, the applicant was advised to make reference to the requirements in Appendix IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he 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.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/472 Proposed Comprehensive Residential Development and Minor Relaxation in Building Height Restriction in “Comprehensive Development Area” zone, Lots 547 RP (Part) and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Yuen Long (RNTPC Paper No. A/YL-KTS/472)

86. The Secretary reported that the applicant’s representative submitted a letter on 3.9.2009 requesting the Committee to defer consideration of the application for two months in order to allow sufficient time to address the comments raised by various Government departments. The letter had been tabled at the meeting for Members’ reference.

87. The Secretary reported that Mr. Alfred Donald Yap and Dr. James C.W. Lau had declared interests in this item. Mr. Yap had current business dealings with Henderson Land Development Co. Ltd. (holding company of the applicant). Dr. Lau had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the application. Nevertheless, the applicant had requested for a deferment of consideration of the application. Members also noted that Mr. Yap and Dr. Lau had tendered apologies for being unable to attend the meeting.

88. The Chairperson said that the request complied with the requirements as set out in the Town Planning Board Guidelines No. 33.

89. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee 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-PH/592 Renewal of Planning Approval for Temporary “Horse Riding School with Ancillary Barbecue Area and Field Study Centre” use for a Period of 3 Years in “Residential (Group D)” zone, Lots 3039 and 3040 (Part) in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/592)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary “horse riding school with ancillary barbecue area and field study centre” use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The site fell within an area zoned “Residential (Group D)” (“R(D)”) where the planning intention was primarily for the improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. As private initiative for permanent residential development was not likely to be realized in the near future, appropriate use of the site in the interim period might be considered. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The application was recreational and educational in nature and was considered not incompatible with the character of the surrounding areas which comprised fallow agricultural land, wooded hill slopes and Lam Tsuen Country Park. The development was generally in line with the Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development Guidelines (TPB PG-No. 34A) in that there had not been any material change in planning circumstances since the previous approval (No. A/YL-PH/527). Government departments had no adverse comments on the application.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees and landscape planting within the site should be maintained at all times during the planning approval period;
- (b) the drainage facilities implemented under Application No. A/YL-PH/418 on the application site should be maintained at all times during the planning approval period;
- (c) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (d) in relation to (c) 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 4.6.2010;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) 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
- (g) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the application site;

- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. Unauthorized structures were included on the Old Schedule Agricultural Lots (OSALs). It also included some Government land (GL) and his office had not given any permission for its occupation. His office reserved the right to take lease enforcement and control action against the irregularities. Based on his earlier records, the actual site boundary and total built-over area thereon exceeded those indicated in the applicant's information. The applicant should clarify the information. He should re-activate processing the earlier submitted application for Short Term Waiver and Short Term Tenancy from the landowners and occupier. The site was accessible through an informal village track on Government land and other private land from Kam Tin Road. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances. The applicant was reminded of his obligation under the Water Pollution Control Ordinance (WPCO) and the effluent from the operation should meet the WPCO requirements prior to discharge;
- (e) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant was advised to make reference to Appendix IV of the Paper on the general fire safety requirements in

formulating the proposal;

- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (CE/Dev(2), WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any lands 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;
- (g) to note the Director of Food and Environmental Hygiene's comments that if catering service in the premises was opened for the public, a valid food licence in accordance with Food Business Regulation, Cap.132X must be obtained from his office. Food business included any trade or business for the purpose of which any person engaged in the handling of food or food was sold by means of a vending machine;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should avoid disturbance to the wooded area adjacent to the site; and
- (i) 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. The granting of the planning approval should not be construed as condoning any 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 building works including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3)

at the building plan submission stage. Building (Planning) Regulation 41D was applicable regarding the provision of emergency vehicular access.

Agenda Item 28

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

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

- (a) background to the application;
- (b) temporary car cleaning and ancillary vehicle maintenance area for private cars for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the noise nuisance, water pollution and land contamination concerns. The applied use including waxing, polishing, changing of lubricants and chain oil (according to the justifications provided in the application) would generate chemical waste and trade effluent. Trade effluent containing oil and grease, dirt and cleaning agent if washed-off or discharged to the nullah without proper treatment would significantly pollute the water body. Spillage of chemicals (e.g. lubricants and chain oil) into the bare soil which caused land contamination was also anticipated. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD)

advised that the existing Kiu Hing Road had been saturated with vehicular traffic during peak hours. The application might set a precedent case for similar applications which would generate cumulative adverse traffic impact to the existing Kiu Hing Road;

- (d) no public comment was received during the statutory publication period. No local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The development was considered not in line with the planning intention of the “Village Type Development” (“V”) zone. Approval of the application would frustrate the planning intention and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. The proposed development was considered not compatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity of the site to the north, south, northwest and southwest. There were adverse comments against the application including DEP and AC for T/NT, TD in view of the noise nuisances, water pollution, land contamination and traffic congestion. There was no information given by the applicant on the demand of car washing and vehicle workshop in the vicinity. There was no previous approval granted for the use on-site nor was there similar planning approval for the applied use/workshop uses within the subject “V” zone in the vicinity of the site. Approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

95. Members had no question on the application.

Deliberation Session

96. The Chairperson remarked that the development was not in line with the planning intention of the “V” zone, approval of the application would frustrate the planning intention and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis. Members noted.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. Approval of the application would frustrate the planning intention and there was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was considered not compatible with the surrounding rural land uses with scattered residential dwellings located in the vicinity of the site;
- (c) the development would cause adverse environmental, traffic and drainage impacts on the surrounding areas and no technical assessments had been conducted to address the issues; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate into the zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/247 Proposed Temporary Animal Boarding Establishment (Kennel)
with Ancillary Office and Guardroom for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lot 1661 RP in D.D.119, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/247)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary animal boarding establishment (kennel) with ancillary office and guardroom for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the potential noise impacts/nuisances posed to the sensitive receivers, future complaints were expected;
- (d) during the statutory publication period, one public comment from a villager of Pak Sha Tsuen was received objecting to the application on the grounds that the only access leading to the site was a single lane carriageway for two-way traffic. If the application was approved, it would cause inconvenience to the residents living nearby. Also, the Society for Abandoned Animals was adjacent to the site, the applied use was duplicated in nature. Approval of the application would affect the daily lives of the nearby residents, in particular, the noise and odour generated by the development would be significant. The applied use was not compatible with agricultural uses and would ruin the environment; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development being a temporary animal boarding establishment was not incompatible with the surrounding environment which was predominated by agricultural uses, vacant land and isolated residential dwellings. The proposed development was not in line with the Town Planning Board Guidelines for “Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) and Application for Development within “OU(RU)” Zone (TPB PG-No. 38) in that there were adverse departmental comments and local objection on the potential impact to be brought about by the proposed development. There was insufficient information in the submission to demonstrate that the proposed development would not cause adverse environmental, traffic and drainage impacts on the surrounding areas.

99. Members had no question on the application.

Deliberation Session

100. The Chairperson remarked that there had been a similar application approved by the Town Planning Board upon review. For that particular application, the applicant had submitted mitigation measures to prevent possible environmental nuisances which had been acceptable to Members. Members noted.

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

- (a) the proposed development was not in line with the Town Planning Board Guidelines for “Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone” and Application for Development within “OU(RU)” Zone (TPB PG-No. 38) in that there were adverse departmental comments on the potential impacts to be brought about by the proposed development; and

- (b) no technical assessments had been conducted to demonstrate that the proposed development would not cause adverse environmental, traffic and drainage impacts on the surrounding areas. Appropriate mitigation measures had not been included in the submission to address the potential noise and drainage impacts of the proposed development. A traffic review should also be conducted to demonstrate that the applied use would not impose adverse impacts to the nearby road network and the implementation of the planned passing bay.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/442 Temporary Warehouse for Storage of Furniture, Construction Materials/Machinery and Household Detergent for a Period of 3 Years in “Undetermined” zone,
Lots 1198 S.A and S.C to S.G (Part), 1202 RP (Part), 1210 S.F RP (Part), 1225 (Part), 1226 (Part), 1238 (Part), 1239 (Part), 1252 (Part) and 1253 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/442)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of furniture, construction materials/machinery and household detergent for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers i.e.

residential structures, in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The warehouse was not in conflict with the planning intention of “Undetermined” zone. The development was considered not incompatible with the surrounding areas. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application, the development was only for storage purpose in enclosed warehouse structures. The applicant undertook to cease the current open storage use on the site upon approval of the application. As such, it was expected that the development would not generate significant environmental impact on the surrounding areas. To address possible concerns on the environmental impact, approval conditions restricting the operation hours and prohibiting the storage of plastic waste, electronic waste and used electrical appliances, storage at the open areas, the carrying out of repairing, dismantling and workshop activities and the use of heavy vehicles were recommended in the Paper. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. However, 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 should the Committee decided to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration might not be given to any further application.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, 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) no plastic waste, electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (d) no storage was allowed at the open areas of the application site during the planning approval period;
- (e) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (g) the existing drainage facilities implemented under Applications No. A/YL-TYST/213 and 329 on the application site should be maintained at all times during the planning approval period;

- (h) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.12.2009;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (j) 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 4.12.2009;
- (k) in relation to (j) 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 4.3.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including open storage and

workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (e) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (f) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorized structures, including converted containers, erected on the lots within the site if indeed found in due course. If there were breaches of conditions of Short Term Waivers (STWs) No. 3266 to 3269 and 3280, his office would initiate appropriate enforcement action. The registered lot owners should apply to his office for STW to regularize the irregularities on-site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (i) 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;
- (j) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper;
- (k) 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 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 on 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; and
- (l) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his

contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/451 Temporary Open Storage of Construction Materials and Machinery, Generators and Recyclable Materials (including Plastic Goods, Paper and Metal) 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/451)

Presentation and Question Sessions

106. The Secretary reported that replacement page (p.12) of the Paper was tabled at the meeting for Members’ reference.

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

- (a) background to the application;
- (b) temporary open storage of construction materials and machinery, generators and recyclable materials (including plastic goods, paper and metal) with ancillary workshop for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, to the north and west and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period. No local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The development generally complied with the Town Planning Board Guidelines on “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouse, workshops, residential structures and unused land. The workshop activities related mainly to the use of compressor for packing the recyclable materials and maintenance works on the machinery were to be carried out within the 3 structures on the site. It was expected that the ancillary workshop use would not generate significant environmental impact on the surrounding areas as the works were generally minor and the workshop areas were confined within semi-enclosed structures to minimize the noise impact. There had not been any environmental complaint against the site over the past 3 years. To address DEP’s concern, approval conditions restricting operation hours, prohibiting open storage and the carrying out of workshop activities at the “Village Type Development” (“V”) zone portion of the site, as well as prohibiting the use of heavy vehicles and requiring the provision of boundary fence were proposed in the Paper. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. Moreover, the applicant should be advised that sympathetic consideration might not be given to any further

application if the planning permission was revoked again due to non-compliance of approval conditions.

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 4.9.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no storage was allowed at the open areas at the south-western portion of the application site within the “Village Type Development” (“V”) zone during the planning approval period;
- (d) no workshop activities should be carried out at the south-western portion of the application site within the “V” zone at any time during the planning approval period;
- (e) 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;
- (f) the provision of boundary fence on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (g) the submission of landscape proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;

- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2010;
- (i) the implementation of the accepted 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 4.3.2010;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

110. The Committee also agreed to advise the applicant :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the authorized structures erected on the site. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners. The site was accessible by a track from Shan Ha Road which runs through open Government land without maintenance works to be carried out thereon by his office. The access might affect the project limit of Water Supplies Department's "Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction" project. His office would not guarantee right-of-way;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for

the maintenance of any access connecting the site and Shan Ha Road;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning 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 on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (k) to note the Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior

consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[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.]

Remarks

111. The Chairperson said that the remaining two items in the Agenda would not be open for public viewing as it was in respect of the applications submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

[Mr. Y.K. Cheng left the meeting at this point.]

Agenda Items 32 and 33

[Closed Meeting]

Agenda Item 34

Any Other Business

[Open Meeting]

112. There being no other business, the meeting was closed at 5:45p.m..