

TOWN PLANNING BOARD

Minutes of 408th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.12.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

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

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

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 407th RNTPC Meeting held on 20.11.2009

[Open Meeting]

1. The draft minutes of the 407th RNTPC meeting held on 20.11.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 9 of 2009
Proposed Temporary Vehicle Park for Container Vehicles
and Open Storage of Construction Materials
for a Period of 3 Years in “Undetermined” zone,
Lots 894 RP(Part), 895(Part), 967, 968, 969, 970, 971 RP(Part),
973 RP(Part), 1299 RP(Part) and 1302 RP and
Adjoining Government Land in D.D. 122, Ping Shan, Yuen Long
(Application No. A/YL-PS/290)

2. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 24.11.2009 against the decision of the Town Planning Board (TPB) on 11.9.2009 to reject on review an application (No. A/YL-PS/290) for a proposed temporary vehicle park for container vehicles and open storage of construction materials for a period of 3 years at a site zoned “Undetermined” (“U”) on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The application was rejected by the TPB for the following reasons :

- (a) the development was not compatible with the surrounding areas, in particular the nearby residential structures;
- (b) the application was not in line with the TPB Guidelines No. 13E as there

was insufficient information to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas, and there were adverse departmental comments and local objections on the application; and

- (c) the approval of the application would set an undesirable precedent for similar applications in the eastern part of the “U” zone. The cumulative effects of approving these similar applications would result in degradation of the environment in the area.

3. The Secretary said that the hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(b) Town Planning Appeal Statistics

4. The Secretary reported that as at 4.12.2009, 23 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	134
Yet to be Heard	:	23
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	292

Sai Kung and Islands District

[Miss Erica S.M. Wong and Mrs. Margaret W.F. Lam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/12 Proposed Temporary Private Swimming Pool and Pump Pit
for a Period of 3 Years in “Village Type Development” zone,
Extension to Lot 558 in D.D. 238, Ng Fai Tin, Sai Kung
(RNTPC Paper No. A/SK-CWBN/12)

Presentation and Question Sessions

5. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private swimming pool and pump pit for a period of 3 years. They would be located within the extension area of a private lot which was currently used as a private garden of an existing three-storey house owned by the applicant;

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

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period of the application, one public comment in support of the application was received; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. As the proposed swimming pool and pump pit were a private recreational facility to be exclusively used by the house owner and his guests, they were considered not incompatible with the surrounding land uses which were

predominantly occupied by village type houses. It was also considered that the proposed swimming pool and pump pit would have no significant adverse impacts on the landscape, traffic and infrastructural provisions of the surrounding area, taking into account their location, small scale and temporary nature. According to the records of the District Lands Officer/Sai Kung, the total number of outstanding Small House applications for Ng Fai Tin was 77 whilst the 10-year Small House forecast was 70. The land available for Small House development was about 0.855 ha (or equivalent to 34 houses) and it could not fully meet the future Small House demand in Ng Fai Tin Village. However, given the location of the proposed development within the extension area of a private lot which would not take up additional land in the subject "Village Type Development" ("V") zone and the temporary nature of the application, the long-term planning intention of the "V" zone would not be jeopardised.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a landscaping proposal including 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 4.6.2010;
- (b) in relation to (a) above, the implementation of the landscaping proposal including 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 4.9.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice.

8. The Committee also agreed to advise the applicant of the following :
- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a partly concretized stream course below the slope near the proposed swimming pool. The applicant should adopt good site practice during construction and avoid spillage of waste water or dumping of construction waste into the stream; and
 - (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 4

Section 16 Application

[Open Meeting]

A/SK-HC/170 Comprehensive Residential Development
in "Residential (Group E)" zone,
Various Lots in D.D. 210 and Adjoining Government Land,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/170)

9. The Committee noted that the applicant's representative on 1.12.2009 requested for deferment of the consideration of the application for one month in order to address the queries raised by various Government departments.

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

Agenda Items 5, 6 and 7

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/103 Proposed House (New Territories Exempted House)
in “Green Belt” zone, Lot 23 in D.D. 336, Ham Tin, Lantau Island
(RNTPC Paper No. A/SLC/103)

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/104 Proposed House (New Territories Exempted House)
in “Green Belt” zone, Lot 18 in D.D. 336, Ham Tin, Lantau Island
(RNTPC Paper No. A/SLC/104)

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/105 Proposed House (New Territories Exempted House)
in “Green Belt” zone, Lot 17 in D.D. 336, Ham Tin, Lantau Island
(RNTPC Paper No. A/SLC/105)

11. Noting that Applications No. A/SLC/103, 104 and 105 were submitted by the same applicant for the same proposed New Territories Exempted House (NTEH) use and the application sites were located adjacent to each other and within the same “Green Belt” (“GB”) zone, Members agreed that the three applications could be considered together.

Presentation and Question Sessions

12. Mrs. Margaret W.F. Lam, STP/SKIs, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the applicants proposed to redevelop the existing 2-storey NTEH on each of the application site into a 3-storey NTEH. The proposed redevelopment would increase the total floor area by about 32.5m², from about 130m² to about 162.58m², under each application;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the three applications;
- (d) three public comments on each of the application were received during the statutory publication period. The main concerns and grounds of objections raised by the three public comments on the proposed NTEHs were that the area lacked a plan showing appropriate measures for quality transport, road works, parking facilities, drainage and waterworks and appropriate urban design; the proposed NTEHs would destroy the existing tree belt and create adverse traffic and noise impacts on the local community during the construction period; the “GB” zone should be protected; and a 10m non-building buffer strip from the stream nearby should be imposed; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the three applications based on the assessments in paragraph 12 of the Papers. According to the District Lands Officer/Islands, Lands Department, each application site had a building entitlement of two and half storeys with a covered area of 65.03m², which was equivalent to the total floor area of 162.58m² under each application. According to the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria), sympathetic consideration might be given to the three applications in view of the building status of the sites. There were also several similar village houses in the vicinity of the sites. The Chief Town

Planner/Urban Design and Landscape, Planning Department advised that the proposed redevelopments would have little adverse impacts on the landscape resources and character of the area. As such, the proposed redevelopments were considered compatible with the surrounding areas. The proposed NTEHs were in-situ redevelopments, without involving clearance of vegetation, felling of mature trees and causing adverse impacts on the nearby stream. Relevant Government departments, including the Director of Agriculture, Fisheries and Conservation and Chief Engineer/Hong Kong and Islands, Drainage Services Department, had no adverse comments on the applications. In view of the above, the proposed NTEHs were considered in line with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone' and the Interim Criteria in that the application sites had building status; the proposed NTEHs were compatible with the surrounding areas in terms of land use and scale; and they would not have adverse landscape, environmental, drainage and geotechnical impacts on the surrounding areas. The Committee had previously approved twelve similar applications in the vicinity of the application sites between 1991 and 2009. Regarding the commenters' concerns and suggestion to impose a 10m non-building buffer strip from the stream, relevant Government departments had no adverse comments on the applications and an advisory clause reminding the applicant to avoid disturbance to the stream nearby had been recommended under the three applications.

13. With respect to paragraph 10.3(c) of the Papers, Mr. Y.M. Lee, Chief Traffic Engineer/New Territories West, Transport Department (TD), clarified that TD had reservation on the three applications as proposed NTEHs should be confined within "Village Type Development" zone. Separately, Mr. Y.M. Lee also pointed out that the section of Chi Ma Wan Road near Ham Tin which provided the vehicular access to the application sites was not managed by TD. The concern raised by a commenter with respect to the use of the concerned road section by construction vehicles under the three applications should be relayed to the relevant party responsible for the management of that road section. In response to the Chairperson's enquiry on which party was responsible for the management of the concerned road section, Mr. Y.M. Lee said that there was no such information at hand.

TD could liaise with the District Officer (Islands) and District Lands Officer/Islands to find out the responsible party. In response to a question from the Chairperson, Mrs. Margaret W.F. Lam said that no approval condition relating to the use of the concerned section of Chi Ma Wan Road was recommended. This issue regarding the provision of access to the application sites would be sorted out at the stage of land grants. Mr. Simon K.M. Yu, Assistant Director/New Territories, Lands Department, said that it was a common practice to stipulate in the lease document that no right-of-way would be guaranteed.

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

Deliberation Session

14. A Member asked if TD's concern on the concerned section of Chi Ma Wan Road was related to the access for fire engines in case of fire. In response, Mr. Y.M. Lee said that a commenter on the subject applications had raised concern that the use of the concerned road section by construction vehicles might cause disturbance to the local community. As the concerned road section was not managed by TD, it was considered desirable to relay the commenter's concern to the responsible party to examine if appropriate follow-up actions should be undertaken to address the concern. Taking into account that the concerned road section was outside the application sites, the Chairperson suggested and Members agreed to stipulate an advisory clause to remind the applicant that the concerned section of Chi Ma Wan Road was not managed by TD. However, TD would liaise with the relevant Government departments to find out the party responsible for the management of the concerned road section and relay the commenter's concern to the responsible party to take follow-up actions where appropriate.

[Post Meeting Note: The concerned section of Chi Ma Wan Road was a village road and not managed by any department. Home Affairs Department was responsible for the maintenance of that road section.]

15. After further deliberation, the Committee decided to approve Applications No. A/SLC/103, 104 and 105, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 4.12.2013, 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. Each permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of a proper drainage system to the satisfaction of the Director of Drainage Services or of the TPB.

16. The Committee also agreed to advise the applicant of Application No. A/SLC/103 of the following :

- (a) to note that there was concern from local residents that the use of the section of Chi Ma Wan Road near Ham Tin by construction vehicles would cause disturbance to the local community. The applicant should take appropriate measures to address the concern of the local residents;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbance to vegetations and the stream to the south;
- (c) to note the comments of the District Lands Officer/Islands, Lands Department that lease modification was required for any proposed 3-storey building;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) :
 - (i) that for provision of water supply to the proposed development, the applicant might need to extend the inside services of the proposed development 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

- (ii) that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) to note the comments of the Director of Electrical and Mechanical Services :
 - (i) to approach the electricity supplier for the requisition of the cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site; and
 - (ii) to take appropriate measures and follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

17. The Committee also agreed to advise the applicants of Applications No. A/SLC/104 and 105 of the following :

- (a) to note that there was concern from local residents that the use of the section of Chi Ma Wan Road near Ham Tin by construction vehicles would cause disturbance to the local community. The applicant should take appropriate measures to address the concern of the local residents;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbance to vegetations and the stream to the southeast;
- (c) to note the comments of the District Lands Officer/Islands, Lands Department that lease modification was required for any proposed 3-storey building;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) :
 - (i) that for provision of water supply to the proposed development, the applicant might need to extend the inside services of the proposed development 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
 - (ii) that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) to note the comments of the Director of Electrical and Mechanical Services :
 - (i) to approach the electricity supplier for the requisition of the cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site; and
 - (ii) to take appropriate measures and follow the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines.

[The Chairperson thanked Miss Erica S.M. Wong and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[Dr. James C.W. Lau arrived to join the meeting and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

Sha Tin, Tai Po and North District

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/TP/13

Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15 and Approved Tai Po Outline Zoning Plan No. S/TP/21 from “Green Belt”, “Conservation Area”, “Village Type Development” and “Government, Institution or Community” to “Green Belt”, “Government, Institution or Community”, “Government, Institution or Community(1)” (“G/IC(1)”), “Village Type Development”, “Other Specified Uses” annotated “Comprehensive Development and Conservation Enhancement Area” (“OU(CDCEA)”) and an area shown as ‘Road’ and Proposed New Sets of Notes for the Proposed “OU(CDCEA)” and “G/IC(1)” zones, Various Lots in D.D. 23 and D.D. 26 and Adjoining Government Land, Shuen Wan, Tai Po (RNTPC Paper No. Y/TP/13)

18. The Secretary reported that CM Wong & Associates Ltd. (CMW) was one of the Consultants for the application. Dr. James C.W. Lau, having current business dealings with CMW, had declared an interest in the item. As the applicant had requested for deferment of consideration of the application, the Committee agreed that Dr. Lau should be allowed to stay in the meeting.

19. The Committee noted that the applicant’s representative on 19.11.2009 requested for deferment of the consideration of the application for two months in order to allow time to consult the relevant Government departments and stakeholders and to prepare further information in support of the application.

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

applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within three months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Ms. Doris S.Y. Ting and Mr. W.W. Chan, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/184 Temporary Public Vehicle Park (Excluding Container Vehicle) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
Wah Sum Car Park Block and Open Car Parking Spaces,
Wah Sum Estate, 18 Yat Ming Road, Fanling
(RNTPC Paper No. A/FSS/184)

Presentation and Question Sessions

21. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the temporary public vehicle park (excluding container vehicle) use for a period of 3 years for letting the surplus monthly vehicle parking spaces at the application premises within Wah Sum Estate to non-residents. According to the lease, the vehicle parking spaces within Wah Sum Estate

were also need to serve the adjoining King Shing Court;

- (c) departmental comments – while having no in-principle objection to the application from the traffic engineering viewpoint, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that the applicant should clarify whether there was a mechanism for assessing the ‘surplus’ parking spaces in order not to deprive the right of the residents of Wah Sum Estate and King Shing Court;
- (d) during the statutory publication period of the application, two public comments from a member of the public and the Chairman of the Owners’ Committee (OC) of Dawning Views were received. The former had no comment on and the latter indicated that the OC agreed to the application; and

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

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The application was to change the existing ancillary parking spaces at the application premises within Wah Sum Estate to public vehicle park (excluding container vehicle) by letting the surplus monthly vehicle parking spaces to non-residents. It did not involve new development or redevelopment of the application site. The applicant indicated that the residents of Wah Sum Estate and the adjoining King Shing Court would be given the priority in the letting of monthly vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of the residents of Wah Sum Estate and King Shing Court would not be compromised. As there was no increase in the total number of parking spaces at the estate, the application would not generate additional traffic flow or worsen the environmental conditions in the area. Concerned Government departments had no objection to the application. To address AC for T/NT’s concern, an approval condition stipulating that the proposed number of vehicle parking spaces to be let to

non-residents should be agreed with the Commissioner for Transport was recommended. The proposed temporary approval for 3 years sought under the application was considered reasonable so that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. The application site was part of the subject of a previous application (No. A/FSS/158) for the same use which was approved by the Committee on a temporary basis for 3 years. Since then, there had been no material change in planning circumstances or change in the land use of the surrounding areas.

22. A Member asked if there was adequate provision of public transport to serve the residents of Wah Sum Estate and King Shing Court which would have a bearing on the demand for vehicle parking spaces within Wah Sum Estate. Ms. Doris S.Y. Ting said that the Fanling Station of the East Rail Line was located to the north-west of Wah Sum Estate and King Shing Court. Besides, there were bus stops along Yat Ming Road to serve the residents of the concerned estate/court. With the above information, the Member supported the subject application as it would allow the surplus vehicle parking spaces, a kind of public resources, to be fully utilized.

Deliberation Session

23. The Secretary said that two similar applications (No. A/K5/686 and A/K20/110) for the same temporary use submitted by the same applicant were approved with condition by the Metro Planning Committee this morning. The approval condition stipulated that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport and priority should be accorded to the residents of the subject estate/court in the letting of the surplus vehicle parking spaces. For consistency, Members agreed that the same approval condition should be stipulated for the subject application.

24. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Wah Sum Estate and King Shing

Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to apply to the Lands Department for the temporary waiver to permit the applied use;
- (b) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the monthly charges of renting the vehicle parking spaces for both residents and non-residents should be the same; and only vacant monthly vehicle parking spaces would be let to non-residents;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the parking spaces and associated passage, lift lobby and staircases should be included in non-domestic gross floor area calculation if the surplus vehicle parking spaces were let to non-residents. The applicant should demonstrate that the resulting plot ratio of the site would not exceed the maximum permissible under the First Schedule of the Building (Planning) Regulations; and
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/328 Proposed Temporary Open Storage of Construction Materials
for a Period of 3 Years in “Agriculture” and “Open Storage” zones,
Lots 2114 RP and 2115 RP in D.D. 76, Ping Che
(RNTPC Paper No. A/NE-TKL/328)

Presentation and Question Sessions

26. Ms. Doris S.Y. Ting, STP/STN, said that a replacement page 4 of the Paper involving amendments to paragraphs 8.2(a) and (b) on the land uses of the surrounding areas was tabled at the meeting for Members’ consideration. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural viewpoint as the application site and the surrounding area had high potential for agricultural rehabilitation and could be converted to agricultural uses such as greenhouses and plant nurseries; and approval of the application would set an undesirable precedent for similar applications within the “Agriculture” (“AGR”) zone. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning viewpoint as active farmland and

scattered trees/tree groups were predominant in the surrounding areas of a natural and tranquil character. Although some open storage sites were located in the further southern and eastern sides of the site, they were well separated from the site by woodland and Tan Shan River. The proposed use was considered not quite compatible with the adjacent rural environment and approval of the subject application might attract similar applications that would further deteriorate the landscape quality and affect the intactness of the “AGR” zone. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) did not support the application at this stage as according to his office record, there was no vehicular access but a footpath leading to the application site. The applicant should justify whether the “existing service road” as stated in the application could be used as a vehicular access and provide details such as road width, road conditions and land status of the “service road” as well as details of parking, loading/unloading and manoeuvring spaces for vehicles within the application site;

- (d) during the statutory publication period of the application, one public comment raising objection to the application was received mainly on the grounds that there was no vehicular access to the application site, the application site was located near residential dwellings and the proposed use would affect the livelihood of residents and the rural environment of Tan Shan River. The District Officer/North advised that the Chairman of Fanling District Rural Committee cum Resident Representative (RR) of Ko Po Village, Indigenous Inhabitants Representative (IIR) of Ko Po Village as well as the IIR and RR of Hung Leng Village objected to the application mainly on the grounds that the transportation of construction materials by heavy vehicles would damage the roads and lead to serious traffic congestion; and adverse impacts on traffic, environment, public hygiene and visual landscape would be caused; and

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

- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessment in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “AGR” zone for the area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the application from the agricultural point of view. The proposed use did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted for the application site and there were adverse departmental comments on and local objections against the application. DEP did not support the application as there were sensitive uses in the vicinity of the site. The loading/unloading of construction materials within the site might cause adverse impacts on the nearby domestic structures, with the nearest one abutting the northern site boundary at a distance of less than 5m. CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view. There was no information in the submission to demonstrate that the proposed use would not cause adverse environmental and landscape impacts on the surrounding areas. AC for T/NT, TD did not support the application as there was no proper vehicular access leading to the application site. There were also public comment and local objections against the subject application.

27. In response to the Chairperson’s question, Ms. Doris S.Y. Ting said that the peck lines shown on Plan A-1 of the Paper delineated the previously proposed alignment of drainage improvement works for the area. However, as advised by the Chief Engineer/Drainage Projects, Drainage Services Department, the application site was outside the site limit of the drainage improvement works to Tan Shan River under Contract No. DC/2007/02.

Deliberation Session

28. After further deliberation, the Committee decided to reject the application and the

reasons were :

- (a) the proposed use was not in line with the planning intention of the “Agriculture” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed use did not comply with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objections against the application; and
- (c) the proposed use would generate adverse environmental, landscape and traffic impacts on the surrounding areas.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TKL/329 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in “Industrial (Group D)” zone,
Lots 22 (Part), 24 (Part) and 26 RP (Part) in D.D. 84, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/329)

29. The Committee noted that the applicant’s representative on 27.11.2009 requested for deferment of the consideration of the application for two months in order to allow time to have further consultation with the relevant Government departments and members of the public to clarify the technical issues and their concerns in relation to the application.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/686 Shop and Services (Metal Hardware Shop) in “Industrial” zone,
Workshop 6A, G/F, Veristrong Industrial Centre,
34-36 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/686)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (metal hardware shop) use with a floor area of about 5m²;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer/Sho Tin; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years based on the assessment in paragraph 11 of the Paper. The metal hardware shop under the subject application was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. It was small in size and would not result in a significant loss of industrial floor space. In view of the small scale of the applied use and its nature of operation, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Concerned Government departments had no adverse comments on or objection to the application. The metal hardware shop was in line with the Town Planning Board (TPB) Guidelines No. 25D for 'Use/Development within "Industrial" Zone' as it would have direct discharge to street and would not adversely affect the traffic conditions of the local road network. The aggregate commercial floor area on the ground floor of the subject industrial building would not exceed the maximum permissible limit of 460m² as stipulated in the TPB Guidelines No. 25D. In this regard, the Director of Fire Services had no in-principle objection to the application and approval conditions requiring the applicant to provide means of escape and fire safety measures had been recommended in paragraphs 12.2(a) to (c) of the Paper. In order not to jeopardise the long-term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of means of escape to the satisfaction of the Director of Buildings or of the TPB;
- (b) the submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (c) the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010; and
- (d) if any of the above planning conditions (b) or (c) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East(1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by

compartment walls having a fire resisting period of not less than two hours. Besides, an unauthorized cockloft was noted at the premises and enforcement action under the Buildings Ordinance might be taken to effect its removal;

- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Besides, the applicant was advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and
- (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' which was promulgated by the TPB in September 2007 for the information on the steps required to be followed in order to comply with the approval conditions on the provision of fire service installations.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/687 Shop and Services (Retail Shop) in "Industrial" zone,
Unit 6F (Part), G/F, Leader Industrial Centre,
57-59 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/687)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the shop and services (retail shop) use with a floor area of about 7.2m²;
- (c) departmental comments – the Director of Fire Services (DFS) did not support the application as means of escape completely separated from the industrial portion was not provided for the application premises;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer/Sha Tin; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. According to the Town Planning Board Guidelines (TPB) No. 25D for 'Use/Development within "Industrial" Zone', DFS should be satisfied that the risks likely to arise or increase from the proposed commercial use under application would be removed. In all cases, separate means of escape should be available for the commercial portion within an industrial building. For the subject application, the application premises was fronting a corridor within the industrial building. As no means of escape completely separated from the industrial portion was provided for the application premises, the application was not in line with the TPB Guidelines No. 25D and not supported by DFS.

36. In response to the Chairperson's enquiry, Mr. W.W. Chan referred to Plan A-3 of the Paper and said that the application premises was fronting a corridor within the industrial building. Hence, it did not have a means of escape completely separated from the industrial portion. For this reason, DFS did not support the application.

Deliberation Session

37. After further deliberation, the Committee decided to reject the application for the following reason :

- the proposed development did not comply with the Town Planning Board Guidelines No. 25D in that no separate means of escape completely separated from the industrial portion was provided for the application premises. The proposed retail shop was unacceptable from the fire safety point of view.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/688 Shop and Services (Fast Food Shop)
in “Industrial” zone, Unit 3C, G/F, Goldfield Industrial Centre,
29 Shan Mei Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/688)

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

- (a) background to the application;
- (b) the shop and services (fast food shop) use with a floor area of about 33m²;
- (c) departmental comments – while having no in-principle objection to the application, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that there should be adequate space inside the fast food shop for queuing of customers in order not to obstruct the pedestrian flow on public footpath;
- (d) during the statutory publication period of the application, one public comment from the manager of the subject industrial building was received. It raised objection to the application mainly on the grounds that the application premises had not been provided with effective ventilation system and the water supply and drainage systems for the application

premises were not designed for food business. The proposed conversion of the application premises to fast food shop would affect the whole building; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years based on the assessment in paragraph 11 of the Paper. The fast food shop was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. It was small in size and would not result in a significant loss of industrial floor space. In view of the small scale of the applied use and its nature of operation, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Concerned Government departments had no adverse comments on or objection to the application. The fast food shop was in line with the Town Planning Board (TPB) Guidelines No. 25D for 'Use/Development within "Industrial" Zone' as it had direct discharge to street and would not adversely affect the traffic conditions in the local road network. Regarding AC for T/NT, TD's concern, the fast food shop had a floor area of about 33m² and hence waiting area could be provided therein for queuing of customers. The Director of Fire Services also had no in-principle objection to the application and approval conditions requiring the provision of fire safety measures had been recommended in paragraphs 12.2(a) and (b) of the Paper. As regards the concerns of the manager of the subject industrial building, the headroom of workshops on the ground floor of an industrial building was comparatively higher and the ventilation system of an industrial premises might be capable to exhaust the scent/smoke generated from the fast food shop. The water supply and drainage system provided for an industrial building should also be adequate to meet the infrastructural demand generated from the small-scale fast food shop under application. In order not to jeopardise the long-term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

39. In response to a Member's concern that the manager of the subject industrial building had submitted a public comment raising objection to the application due to the reasons given in paragraph 10 of the Paper, the Chairperson said that as the subject building was designed and built for industrial uses, it should be able to cater for the need of the small-scale fast food shop, which had a floor area of only about 33m². Members shared the same view.

Deliberation Session

40. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (b) the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the

long-term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East(1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that customers should only queue up inside the subject premises and should not obstruct pedestrian flow on public footpath;
- (f) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as 'food factory'. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority. Besides, a fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval conditions on the provision of fire service installations.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/689 Shop and Services (Fast Food Shop)
 in “Industrial” zone, Unit 3E, G/F, Goldfield Industrial Centre,
 29 Shan Mei Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/689)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (fast food shop) use with a floor area of about 21m²;
- (c) departmental comments – concerned Government departments had no adverse comments on or objection to the application;
- (d) during the statutory publication period of the application, one public comment from the manager of the subject industrial building was received raising objection to the application mainly on the grounds that the application premises had not been provided with effective ventilation system and the water supply and drainage systems for the application premises were not designed for food business. The proposed conversion of the application premises to fast food shop would affect the whole building; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to approving the application on a temporary basis for a period of 3 years based on the assessment in paragraph 11 of the Paper. The fast food shop was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. It was small in size and would not result in a significant loss of industrial floor space. In view of the small scale of

the applied use and its nature of operation, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. Concerned Government departments had no adverse comments on or objection to the application. The fast food shop was in line with the Town Planning Board (TPB) Guidelines No. 25D for 'Use/Development within "Industrial" Zone' as it had direct discharge to a service corridor and would not adversely affect the traffic conditions in the local road network. The Director of Fire Services had no in-principle objection to the application and approval conditions requiring the provision of fire safety measures had been recommended in paragraphs 12.2(a) and (b) of the Paper. As regards the commenter's concerns, the headroom of workshops on the ground floor of an industrial building was comparatively higher and the ventilation system of an industrial premises might be capable to exhaust the scent/smoke generated from the fast food shop. The water supply and drainage system provided for an industrial building should also be adequate to meet the infrastructural demand generated from the small-scale fast food shop under application. In order not to jeopardise the long-term planning intention of industrial use for the application premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

43. In response to a Member's question, Mr. W.W. Chan referred to Plan A-3 of the Paper and said that as the unit adjacent to the application premises was locked up during the site inspection conducted by PlanD on 16.10.2009, it was annotated as 'locked' on the plan.

Deliberation Session

44. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the applications as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

the TPB by 4.6.2010;

- (b) the implementation of fire safety measures within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East(1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (e) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed as 'food factory'. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority.

Besides, a fast food shop licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted; and

- (f) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises', which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval conditions on the provision of fire service installations.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/439 Proposed 14 Houses (New Territories Exempted Houses – Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant) in "Green Belt" zone,
Lots 251 (Part), 252 (Part), 253 (Part), 254, 255 (Part), 258 (Part), 259 (Part), 260 S.A (Part) and 260 RP (Part) in D.D. 20 and Adjoining Government Land, Lo Lau Uk, Tai Po
(RNTPC Paper No. A/TP/439)

46. The Secretary reported that World Wide Fund for Nature Hong Kong (WWF) had submitted a public comment on the application. Professor David Dudgeon, being a Trustee of WWF and a Member of the Mai Po Management and Development Committee under WWF, had declared an interest in the item. The Committee noted that Professor Dudgeon had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed 14 houses (New Territories Exempted Houses (NTEHs) – Small Houses) and utility installation for private project (sewage treatment plant);

- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as Lo Lau Uk was not a recognized village and the application site was not within any ‘village environs’ (‘VE’) or “Village Type Development” (“V”) zone. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the application site was located partially within the lower indirect Water Gathering Grounds (WGCs) and the proposed development would put the water source at high risk of pollution and contamination. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view as the proposed development was rather extensive and would turn the existing greenery of the area into village type development. The proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and would set a bad precedent for similar cases. There was also no information to demonstrate that protective measures would be implemented to avoid water pollution to the streams nearby. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development would likely modify the relatively undisturbed upland valley landscape character significantly. In this regard, no information on the construction access and no tree survey had been submitted to demonstrate that it would have no adverse landscape impact. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as NTEH development should be confined within “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although the traffic associated with the proposed development was not expected to be significant, approval of the application would set an undesirable precedent for similar applications and the cumulative adverse traffic impact could be substantial.

The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that drainage impact assessment had not been provided to address the drainage impact of the proposed development;

- (d) during the statutory publication period of the application, three public comments raising objection to the application were received. The main objection grounds included that Lo Lau Uk village was not a recognized village and Small House applications at the application site should not be approved by the Lands Department; the application was not in line with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria) as the application site was entirely outside the 'VE' and "V" zone; the application was not in line with the planning intention of the "GB" zone and the proposed development would degrade the buffer function of the green belt; there was no proper access to the application site; no assessment had been provided to demonstrate that the proposed development would not have sewerage, drainage, visual and landscape impacts on the surrounding areas; and the area lacked a sustainable village layout plan and quality urban design for a better living environment; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "GB" zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within the "GB" zone. There was no justification in the submission for a departure from the above planning intention. As regards the applicant's claim that Lo Lau Uk was the original village of Pun Shan Chau, DLO/TP confirmed that Lo Lau Uk was not a recognized village. As the proposed Small House sites and footprints fell entirely outside the 'VE' and "V" zone of any recognised village, the application did not comply with the Interim Criteria. The application site was located partially within the lower indirect WGGs. Although the applicant had proposed to develop a sewage treatment plant

to collect and treat waste water from the proposed Small Houses and to discharge the effluent to the public sewerage system at San Uk Ka, the sewage treatment proposal was considered conceptual and no sewerage impact assessment had been submitted to demonstrate the feasibility of the proposal. CE/Dev(2), WSD objected to the application as the proposed development would put the water source at high risk of pollution and contamination. The application site was located in a secluded area with stream, prominent trees and woodland and was adjacent to hiking trails and country park area. The proposed 14 houses together with the access road, private gardens, amenity area and human activities would likely disturb the landscape character of the area. However, no information on the construction access and tree survey had been provided in the submission. There was also no information to demonstrate that the proposed development would not pollute the natural stream and have no adverse visual impact on the surrounding areas. In this regard, DAFC had reservation on and CTP/UD&L objected to the application. CE/MN, DSD and AC for T/NT, TD had also raised drainage and traffic concerns on the application.

48. Members had no question on the application.

Deliberation Session

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

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

- (b) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that over 50% of the application site and the proposed houses were located outside both the ‘village environs’ and the “Village Type Development” zone of a recognized village;
- (c) the application site was partly within the upper indirect Water Gathering Grounds (WGGs). There was no information in the submission to demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area;
- (d) there was no information in the submission to demonstrate that the proposed development would not pollute the natural stream and have no adverse impacts on drainage, traffic, visual and landscaping of the area; and
- (e) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in urban sprawl and a general degradation of the natural environment in the area.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/440 Temporary Public Vehicle Park (Excluding Container Vehicle) Use
(Letting of Surplus Monthly Vehicle Parking Spaces to Non-residents)
for a Period of 3 Years in “Residential (Group A)” zone,
Car Park Area of the Commercial/Car Park Block and
Open Car Parking Spaces, Fu Shin Estate, 12 On Po Road, Tai Po
(RNTPC Paper No. A/TP/440)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) use for a period of 3 years for letting the surplus monthly vehicle parking spaces at the application premises within Fu Shin Estate to non-residents;
- (c) departmental comments – while having no in-principle objection to the application from traffic engineering viewpoint, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that 48 motorcycle parking spaces at the rate of 10% of the provision for private car parking spaces should be provided at the Commercial/Car Park Block of Fu Shin Estate. If site condition permitted, the seven open-air private car parking spaces should be converted to lorry parking spaces to address the public demand for lorry parking spaces in the area;
- (d) during the statutory publication period of the application, six public comments consolidated by the Incorporated Owners of Fu Shin Estate were received raising objection to the application without giving any reasons. The District Officer/Tai Po advised that two Tai Po District Council members, the Chairlady of the Incorporated Owners of Fu Shin Estate, and four Chairpersons of the concerned Management Advisory Committees raised objection to the application without giving any reasons; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The application was to change the existing ancillary parking spaces at the application premises within Fu Shin Estate to public vehicle park use (excluding container vehicle) by letting the surplus monthly vehicle parking spaces to non-residents. It did not involve new development or redevelopment of the application site. The applicant indicated that the

residents of Fu Shin Estate would be given the priority in the letting of monthly vehicle parking spaces. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of the residents of Fu Shin Estate would not be compromised. As there was no increase in the total number of parking spaces at the estate, the application would not generate additional traffic flow or worsen the environmental conditions in the area. Concerned Government departments had no objection to the application. The proposed temporary approval for 3 years sought under the application was considered reasonable so that the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. The application site was part of the subject of a previous application (No. A/TP/325) for the same use which was approved by the Committee on a temporary basis for 3 years. Since then, there was no material change in planning circumstances or change in the land use of the surrounding areas. Local views and public comments opposing the application were received. To avoid depriving the right of the residents of Fu Shin Estate and to address AC for T/NT, TD's concern on motorcycle and lorry parking spaces, an approval condition stipulating that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport was recommended.

51. Members had no question on the application.

Deliberation Session

52. For consistency with two similar applications (No. A/K5/686 and A/K20/110) for the same temporary use considered by the Metro Planning Committee this morning, Members agreed that the approval condition of the subject application as stated in the Paper should be revised to include an additional requirement that priority should be accorded to the residents of Fu Shin Estate in the letting of the surplus vehicle parking spaces.

53. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following condition :

- priority should be accorded to the residents of Fu Shin Estate in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
 - (i) 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 (HKPSG) published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) 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; and

- (c) in view of the extremely close proximity of the parking spaces to the entrance of the liquefied petroleum gas (LPG) compound, the goods vehicle parking spaces number L10 and L11 in the open air car park should not be open to private/public bus or vehicle with Passenger Service Licence to avoid the potential congregation of population outside the LPG compound unless a Quantitative Risk Assessment had been conducted to demonstrate that the risk induced by this potential increase in population complied with the Government Risk Guidelines as stipulated in Chapter 12 of the HKPSG.

[The Chairperson thanked Ms. Doris S.Y. Ting and Mr. W.W. Chan, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/171 Proposed Temporary Institutional Use and Religious Institution
for a Period of 3 Years in "Village Type Development" zone,
Government Land in D.D.116 (Ex-Pui Tak School),
Ha Yau Tin Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL/171)

Presentation and Question Sessions

55. 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) the proposed temporary institutional use and religious institution for a period of 3 years;
- (c) departmental comments – concerned Government bureau and departments had no objection to or adverse comments on the application. The Secretary for Education advised that the ex-Pui Tak School had been closed since September 1995 and was no longer under the charge of the Education Bureau;
- (d) during the statutory publication period of the application, one public comment from a resident of Ha Yau Tin Tsuen was received. He raised concern on the heritage value of ex-Pui Tak School and suggested to keep the original buildings with minimum improvement and decoration works. He suggested to use the vacant school premises as a community centre rather than a religious institution. He also considered that details of the proposal should be exhibited on site, and the period for public comment should be rescheduled or a liaison meeting should be organised with the village representative, or questionnaires should be sent to each resident for comment;
- (e) the District Officer/Yuen Long advised that the Village Representatives of Ha Yau Tin Tsuen objected to the application as it would attract many visitors which in turn would adversely affect the public order, sanitary and traffic conditions of the surrounding areas. It was suggested to use the application site for public welfare purpose; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed community and religious centre, which would be accommodated within the premises of a closed village school and provide courses,

activities and training for young people, was considered not incompatible with the surrounding residential developments. As only renovation and decoration of the existing premises would be carried out with no felling of trees, it would unlikely cause significant adverse impact on the rural fringe landscape character of the area. It would have about 100 visitors per day and hence no significant adverse environmental, drainage and traffic impacts on the surrounding area were expected. To address the technical concerns raised by the relevant Government departments, approval conditions relating to the maintenance of existing drainage facilities and provision of fire service installations were recommended in paragraphs 11.2(a) to (c) of the Paper. Regarding the commenter's concerns, the applicant had indicated that all existing buildings on-site would not be redeveloped/demolished and only simple maintenance, renovation, decoration and installation of air-conditioners would be undertaken. The Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department had no comment on the application. Apart from conducting religious meetings, the application site would also be used for organising activities and training courses for young people. Regarding the commenter's concern on publication of the application, publication notice and gist of the application had been published and posted on-site as required under the Town Planning Ordinance and in accordance with the established practice stipulated in the Town Planning Board Guidelines No. 30 on 'Publication of Applications for Amendment of Plan, Planning Permission and Review and Submission of Comments on Various Applications under the Town Planning Ordinance'. Regarding the local objection raised by the Village Representatives of Ha Yau Tin Tsuen, concerned Government departments had no adverse comments on the application. Nevertheless, the applicant would be advised to approach the residents of Ha Yau Tin Tsuen to further explain the proposed development and address their concerns.

56. In response to a Member's question on why AMO was consulted, Mr. W.M. Lam said that AMO was consulted regarding the commenter's concern on the heritage value of the ex-Pui Tak School.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of existing drainage facilities on site in good condition during the planning approval period to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) 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 4.6.2010;
- (c) in relation to (b) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010;
- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that an application to his office for a short term tenancy (STT) for implementing the proposal was required. However, there was no guarantee that the STT application could be processed or eventually be approved. Site area and boundary would be verified during the processing of the STT application;

- (b) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (c) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should take all precautionary measures to avoid damage of the existing drainage facilities. Free flow condition should be maintained at all times; and
- (f) to liaise with the residents of Ha Yau Tin Tsuen to further explain the proposed development and address their concerns.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lam left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/192 Temporary Sales of Vehicles (Private Cars and Light Goods Vehicles)
and Office for a Period of 3 Years
in “Village Type Development” zone,
Lot 3674 RP in D.D. 124, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/192)

Presentation and Question Sessions

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

- (a) background to the application, including that the application site was the subject of three previously approved applications (No. A/TM-LTY Y/126, 135 and 179) for the same temporary uses submitted by the same applicant as detailed in paragraph 5 of the Paper;
- (b) the temporary sales of vehicles (private cars and light goods vehicles) and office for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer/Tuen Mun; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years

based on the assessment in paragraph 11 of the Paper. Although the application site was zoned “Village Type Development” (“V”), the District Lands Officer/Tuen Mun confirmed that there was no Small House application for the application site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Given the small scale of the development (occupying a site area of 93m² and accommodating a maximum of five vehicles) and the temporary nature of the application, significant adverse impacts on the area were not envisaged. The applied uses remain unchanged as in the last previous application (No. A/TM-LTY Y/179) which was approved with conditions by the Committee for 3 years on 27.2.2009. Similar approval conditions restricting the operation hours, prohibiting workshop activities (including car repairing, dismantling and paint spraying) and parking of heavy vehicles as imposed under Application No. A/TM-LTY Y/179 were recommended in paragraphs 12.2(a) to (c) of the Paper. To address the technical concerns raised by relevant Government departments, approval conditions relating to the maintenance of the existing vehicular access; provision of drainage facilities and fire service installations; as well as the submission of proposal to demonstrate that the vehicular access would not affect the existing drainage channel alongside Castle Peak Road-Hung Shui Kiu section were recommended in paragraphs 12.2(d) to (j) of the Paper. Non-compliance with the approval conditions would result in revocation of the planning permission. Since the last approval under Application No. A/TM-LTY Y/179 was revoked due to non-compliance with approval condition, shorter compliance periods were recommended for the subject application to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. It was also recommend to advise the applicant 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.

60. In response to the Chairperson’s enquiry, Mr. C.C. Lau said that the last planning permission (No. A/TM-LTY Y/179) had been revoked due to the non-compliance with the

approval condition on the submission of fire service installations proposals. Hence, shorter compliance periods were recommended for the subject application to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. Members also noted that the approval conditions attached to the second planning permission (No. A/TM-LTY/135) granted by the Committee on 17.3.2006 had all been complied with by the applicant.

61. The Chairperson noted that as shown in Plan A-4c of the Paper, a price list for vehicle repairing services was displayed in the subject site. She asked whether the subject application had included vehicle repairing services. Mr. C.C. Lau advised that the application site was applied for temporary sales of vehicles (private cars and light goods vehicles) and office use, but not for vehicle repairing services. The Chairperson remarked that any unauthorised use/development at the application site would be subject to planning enforcement action to be undertaken by the Planning Authority, who would closely monitor the use of the application site.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:30 p.m. and 8:30 a.m. should be carried out at the application site, as proposed by the applicant, at any time during the planning approval period;
- (b) no workshop activities including car repairing, dismantling and paint spraying should be undertaken within the site at any time during the planning approval period;
- (c) no vehicles of 5.5 tonnes or more, container vehicles and container trailers, were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) the existing vehicular access to the application site should be maintained at all times during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2010;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2010;
- (g) the submission of proposal demonstrating the vehicular access would not affect the existing drainage channel alongside Castle Peak Road-Hung Shui Kiu section within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2010;
- (h) in relation to (g) above, the implementation of proposal demonstrating the vehicular access would not affect the existing drainage channel alongside Castle Peak Road-Hung Shui Kiu section within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2010;
- (i) the submission of fire service installations (FSIs) proposals within 3 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 implementation of FSIs proposals within 6 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) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (c) to note the comments of the District Lands Officer/Tuen Mun that his office would consider the application for Short Term Waiver (STW) if the planning application was approved, however, the application for STW would not necessarily be successful;
- (d) to note the comments of the Director of Fire Services on the requirements of formulating the FSIs proposals as stated in Appendix IV of the Paper;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the removal of unauthorized building works/structures within the site. The granting of planning approval should not be construed as condoning to 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. Any proposed temporary buildings were subject

to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new building works for approval under the Buildings Ordinance was required. If the site did not abut on a street of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. The applicant should also take note of B(P)R 41D regarding the provision of emergency vehicular access to the proposed development; and

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement. If any run-in/out was approved by the Transport Department, the applicant should construct it according to HyD's standard drawings H1113 and H1114, or H5115 and H5116, to match the existing pavement condition. In addition, an interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out.

64. Members also agreed to request the Planning Authority to closely monitor the use of the application site.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/TM/391

Proposed Public Utility Installation (Sewage Pumping Station)
in "Residential (Group B)13" zone, Government Land in D.D. 381,
Tuen Mun (about 100m east from junction of Lok Yi Street and Lok Chui
Street, Tuen Mun)
(RNTPC Paper No. A/TM/391)

65. The Committee noted that the applicant on 16.11.2009 requested for deferment of

the consideration of the application for two months in order to allow time to address the public comments on the application.

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/392 Proposed Public Utility Installation (Sewage Pumping Station)
in “Residential (Group B)” zone, Government Land in D.D. 379,
Tuen Mun (about 250m southwest from the junction of Tsing Fat Lane and
Tsing Fat Street, Tuen Mun)
(RNTPC Paper No. A/TM/392)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station (SPS));

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

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department commented that the proposed SPS should be sensitively designed with proper landscaping including roof-top greenery due to its conspicuous location fronting a public road and close proximity to residential areas;
- (d) during the statutory publication period of the application, four public comments from the residents of the adjacent residential development, Aqua Blue, were received. Three commenters objected to the application mainly on the grounds that the proposed SPS was too close to Aqua Blue which was only about 30m away; the 24-hour operation of the proposed SPS would generate environmental nuisances to the nearby residents; and that sewage was related to the spread and transmission of some infectious diseases. The other commenter did not object to the provision of SPS within the area, but considered that the proposed SPS had not fully addressed the environmental concerns raised by the residents of Aqua Blue and suggested the applicant to consider other suitable Government land along Tsing Fat Street which was located away from Aqua Blue; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. At present, domestic sewage from the unsewered areas in Tuen Mun was discharged into the nearby Tuen Mun Nullah and beaches after being treated by private treatment facilities which were mostly septic/soakaway systems at villages and were often ineffective in removing pollutants due to inadequate maintenance. As such, sewage discharged from the unsewered areas was a source of pollution. In 2003, the Environmental Protection Department completed a study which recommended to provide village sewerage and SPSs to convey sewage from villages and other existing developments in Tuen Mun East area to the Pillar Point Sewage Treatment Works for proper treatment and disposal. The proposed SPS under application was for the above purpose. The building in the proposed SPS would only be about 160m² and a single-storey structure of 6.4m in height

situated at a lower level than the abutting Tsing Fat Street. As such, the proposed SPS would not cause significant visual impact to the surrounding low to medium-density residential area. Besides, green roof, landscaping and architectural design were also proposed to screen the proposed SPS from the residential and village houses in the vicinity. In this regard, the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department had no objection to the application. The applicant advised that there was no alternative suitable location in the vicinity for the proposed SPS in terms of space and topography. Taking into account the applicant's information on the alignments of the new sewerage system, the availability of Government land and the surrounding topographical features of the site including the existing roads and sloping areas, the location of the proposed SPS was considered acceptable. An Environmental Study (ES) was undertaken in March 2009 to assess the environmental impacts of the proposed SPS and the Director of Environmental Protection considered the ES report agreeable. Moreover, the existing and planned infrastructure would not be overstrained by the proposed SPS and no significant adverse landscape and drainage impacts on the area were anticipated. Regarding the commenters' concerns, the proposed SPS would be provided with adequate mitigation measures to minimize the potential nuisance to an acceptable standard without causing significant impacts on health and hygiene aspects, and no alternative site for the proposed SPS could be identified in the vicinity. In this regard, no objection from concerned Government departments had been received. Nevertheless, the applicant would be advised to liaise with the nearby residents and to provide them with relevant information of the proposed development to address their concerns.

68. Members had no question on the application.

[Mr. Rock C.N. Chen returned to join the meeting at this point.]

Deliberation Session

69. 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 4.12.2013, 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 of façade design, colour scheme and finishing materials of the proposed development including the proposed measures to mitigate the visual impact on the surrounding area to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission of the design and provision of the emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun (DLO/TM) that the ‘Site Works Boundary’ of the application fell within the right-of-way granted to the nearby TMTL 419 (i.e. Aqua Blue) and no tree should be unnecessarily felled or interfered with. The applicant should also apply for a Government land allocation for the proposed development;
- (b) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the ‘track’ as shown on Drawing A-2 of the Paper was not managed by his office;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the provision of emergency vehicular access should comply with the standards as stipulated in Part VI

of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;

- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant should follow the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation and consult CLP Power Hong Kong Limited prior to establishing any structures;
- (e) to note the comments of the Director of Leisure and Cultural Services that the applicant should observe the requirements as stipulated in the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 on “Tree Preservation” to submit the tree survey report for vetting by relevant department and obtain DLO/TM’s approval before implementation of work. All trees should be retained and tree transplant would be the last resort. Tree felling was not recommended unless there was strong justification; and
- (f) to liaise with the nearby residents and provide them with relevant information of the proposed development to address their concerns.

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

[Mr. Alfred Donald Yap and Mr. Tony C.N. Kan left the meeting temporarily at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting]

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

71. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD) with Ho Tin & Associates Consulting Engineers Ltd. (HT) as one of the Consultants for the application. Mr. Alfred Donald Yap and Dr. James C.W. Lau, having current business dealings with HLD and HT respectively, had declared interests in this item. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Yap and Dr. Lau could be allowed to stay at the meeting. The Committee noted that Mr. Yap had already left the meeting temporarily.

72. The Committee noted that the applicant’s representative on 17.11.2009 requested for deferment of the consideration of the application for one month in order to allow additional time to address the outstanding industrial/residential interface issues raised by the Director of Environmental Protection.

73. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no

further deferment would be granted unless under very special circumstances.

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

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-NTM/235 Proposed Comprehensive Low-density Residential Development
in “Comprehensive Development Area” zone,
Various Lots in D.D. 104 and Adjoining Government Land,
East of Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/235C)

74. The Committee noted that the applicant’s representative on 18.11.2009 requested for deferment of the consideration of the application for two months in order to allow additional time to prepare supplementary information to address the departmental comments regarding the issues related to environmental assessment, urban design and landscaping aspects.

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-KTS/455 Proposed Houses in “Other Specified Uses” annotated “Rural Use” zone,
Lot 618 RP in D.D. 106 and Adjoining Government Land,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/455)

76. The Committee noted that the applicant’s representative on 18.11.2009 requested for deferment of the consideration of the application for two months in order to allow time for liaison with the relevant Government departments on the environmental aspect of the proposed development.

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 also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of additional information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/479 Temporary Open Storage of New Coaches and New Vehicle Parts
with Ancillary Workshop for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part) and
618 RP (Part) in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/479)

Presentation and Question Sessions

78. Mr. Kelper S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures to the west of the site with the nearest one adjacent to the site. Environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer/Yuen Long; and

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

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary uses under application could be tolerated for a period of 1 year,

instead of 3 years sought, based on the assessment in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses which were characterized by scattered residential structures, open storage yards, car service centre with workshop, parking lot, warehouse and vacant land. As there was no known development programme for the subject “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “OU(RU)” zone. The application site was the subject of five previously approved applications (No. A/YL-KTS/36, 193, 340, 416 and 470). The development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that it related to an application to continue similar open storage use approved under the previous applications. As previous planning approvals had been granted and there was no major change in the planning circumstances, the current application might be tolerated. Compared with the last Application No. A/YL-KTS/470, the current application included an ancillary workshop which was used for minor repairing works of the new vehicle parts damaged in the course of transportation. No dismantling, cleansing and paint spraying activities would be carried out on site. Relevant Government departments, except DEP, had no adverse comments on the application. Regarding DEP’s concern, there was no environmental complaint received in the past three years and no local objection was received. Given an ancillary workshop was included in the subject application and to address DEP’s concern, a shorter approval period of 1 year and approval conditions restricting the operation hours and prohibiting vehicle dismantling, cleansing and paint spraying activities as well as heavy vehicles were recommended, should the Committee decide to approve the application. Non-compliance with the approval conditions would result in revocation of the planning permission. The applicant would also be advised to undertake the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses”. Since Application No. A/YL-KTS/416 was revoked due to non-compliance with the approval conditions and the approval conditions under Application

No. A/YL-KTS/470 had not yet been complied with, shorter compliance periods were thus recommended to monitor the progress of compliance with approval conditions, should the Committee decide to approve the application. The applicant would also be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given to any further application.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 4.12.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, cleansing and paint spraying activities should be carried out on the site during the planning approval period;
- (d) no heavy vehicles exceeding 24 tonnes were allowed for the operation of the site at any time during the planning approval period;
- (e) all landscape plantings within the site should be maintained at all times during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2010;

- (g) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (h) in relation to (g) above, the implementation of FSIs proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) shorter approval period and compliance periods were granted so as to monitor the situation on the site and the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long that the site was accessible to Kam Sheung Road via an informal track on other private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track between the site and Kam Sheung Road should be checked with the lands authority. The management responsibilities of the same track should be checked with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, 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 structures, the applicant was advised to make reference to the requirements in Appendix V 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;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be

construed as 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

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/601 Temporary Open Storage of New Private Cars and Vehicle Parts
Prior to Sale for a Period of 3 Years in “Residential (Group D)” zone,
Lots 353, 354 (Part), 359 (Part), 360 (Part), 361 RP (Part),
362 S.B RP (Part), 365 S.B RP (Part), 367 (Part) and 369 RP (Part)
in D.D. 114 and Adjoining Government Land,
Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/601)

Presentation and Question Sessions

82. Mr. Kelper S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of new private cars and vehicle parts prior to sale for a period of 3 years;
- (c) departmental comments – the Director of Environment Protection (DEP) did not support the application as there were residential dwellings within 100m from the site boundary and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated on a temporary basis for a period of 3 years based on the assessment in paragraph 12 of the Paper. There was no major change in the planning circumstances since the

approval of the previous application (No. A/YL-PH/498) for the same temporary use for 3 years by the Committee on 29.7.2005. Although the development was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it was not incompatible with the adjoining mixture of open storage yards, fallow agricultural land plots and scattered residential dwellings. As private initiative for permanent residential development within the “R(D)” zone 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 “R(D)” zone. The development generally complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that previous approvals for similar use had been granted for the site and all approval conditions had been complied with. Except DEP, relevant Government departments had no adverse comments on the application. Regarding DEP’s concern, no environmental complaint relating to the site had been received since 2006. To address DEP’s concern, approval conditions restricting the operation hours and prohibiting workshop activities, storage of dismantled vehicles/waste materials as well as heavy goods vehicles/container trailers/tractors were recommended in paragraphs 13.2(a) to (e) of the Paper. Non-compliance with the approval conditions would result in revocation of the planning permission. The applicant would also be advised to follow the latest code of practice to implement the appropriate environmental mitigation measures. In response to the suggestions raised by the relevant Government departments, approval conditions requiring the maintenance of drainage facilities, submission/implementation of landscape and tree preservation proposal as well as fire service installations proposal were recommended in paragraphs 13.2(f) to (j) of 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 up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;
- (d) no storage of dismantled vehicles and waste materials was allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the drainage facilities implemented under Application No. A/YL-PH/498 on the site should be maintained at all times during the planning approval period;
- (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 4.6.2010;
- (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 4.9.2010;
- (i) the submission of fire service installations (FSIs) proposal within 6 months

from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;

- (j) in relation to (i) above, the implementation of FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) prior planning permission should have been obtained before continuing the development at the site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development including the 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;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;

- (d) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from his office. The site included two parcels of Government land. His office reserved the right to take enforcement action under the Short Term Waivers (STWs) concerned and/or lease against any excessive built over area and control action against the unlawful occupation of Government land. The site was accessible to Kam Tin Road via a short stretch of Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way. The registered owners of the lots should apply for STW to cover any structures and modification of the STW, if necessary, and the occupier should apply for Short Term Tenancy (STT). Should no application for STW, modification of STW and STT be received/approved and irregularities persist on-site, his office would consider taking appropriate lease enforcement action and control action against the registered owners and occupiers;

- (e) 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 minimise any possible environmental nuisances;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that in the revised landscape proposal, the applicant proposed to transplant two of the existing trees near the entrance area to the planter adjacent to the visitor car park. On the basis that no trees should be disturbed, all previously planted trees on the outside of the current site boundary should not be moved. The applicant was advised to retain the existing trees in their current locations;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was

advised to make reference to the requirements as stated in Appendix V of the Paper;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/251 Temporary Cargo Handling and Forward Facility (Logistics Centre) for a Period of 3 Years in “Open Storage” zone, Lots 1468 S.A (Part), 1470 S.A (Part), 1471 (Part), 1472 (Part), 1477 S.A (Part), 1477 S.A ss.1 (Part), 1477 S.B (Part), 1477 S.B ss.1 (Part), 1477 S.B ss.2 S.A (Part), 1477 S.B ss.2 S.B (Part), 1477 S.B ss.2 RP (Part), 1477 S.B ss.3 S.A, 1477 S.B ss.4 and 1477 S.B ss.5 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/251)

Presentation and Question Sessions

86. Mr. Kelper S.Y. Yuen, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary cargo handling and forward facility (logistics centre) for a period of 3 years;

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

- (c) departmental comments – the Director of Environment Protection (DEP) did not support the application as there was residential dwelling within 100m from the site boundary and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated on a temporary basis for a period of 3 years based on the assessment in paragraph 12 of the Paper. There was no change in the planning circumstances since the approval of the previous application (No. A/YL-TT/220) for the same temporary use for 3 years by the Committee on 30.11.2007. The development was generally in line with the planning intention of the “Open Storage” zone, which was primarily for the provision of land for appropriate open storage uses and to regularize the haphazard proliferation of open storage uses. The development was compatible with the surrounding area which was mainly occupied by open storage yards, warehouses and workshops. Besides, it generally complied with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there were no local objection and adverse departmental comments, except DEP. Regarding DEP’s concern, no environmental complaint relating to the site had been received since 2006. To minimize the possible environmental nuisance from the development, approval conditions restricting the operation hours and prohibiting workshop activities on-site were recommended in paragraphs 13.2(a) to (c) of the Paper. The applicant would also be advised to follow the latest code of practice to implement the appropriate environmental mitigation measures. In response to the suggestions raised by the relevant Government departments, approval conditions relating to the submission/implementation of drainage proposal, landscape and tree preservation proposal as well as fire service installations proposals were recommended in paragraphs 13.2(d) to (i) of the Paper. Non-compliance with the approval conditions would result in revocation of the planning permission. Since the last two planning approvals under Applications No. A/YL-TT/152 and 220 were revoked due to non-compliance with the approval conditions, shorter compliance periods were recommended to monitor the progress of compliance with approval conditions, should the Committee decide to approve the application. The applicant would also be advised that should the planning permission be revoked again due to non-compliance of approval conditions, sympathetic consideration would not be given to any further application.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 4.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no container/vehicle repairing, maintenance, dismantling and other workshop activities, as proposed by the applicant, were allowed on the site at any time during the planning approval period;
- (d) the submission of the drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.3.2010;
- (e) in relation to (d) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2010;
- (f) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.3.2010;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.6.2010;

- (h) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.3.2010;
- (i) in relation to (h) above, the implementation of FSIs proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed in order to monitor the progress of compliance of conditions;
- (c) should the planning permission be revoked again due to non-compliance of approval conditions, sympathetic consideration would not be given by the Committee to any further application;
- (d) to resolve any land issues relating to the development with the concerned owners of the site;

- (e) to note the comments of the District Lands Officer/Yuen Long that no structures were allowed to be erected without prior approval from his office. There were unauthorized structures (including converted containers) on the lots within the site. The Government land (GL) within the site was also occupied without approval from his office. He reserved the right to take enforcement/land control action against the irregularities if indeed found in due course. Modification of Tenancy Permit No. MNT 21640 was granted to the owner of Lot 1477 S.B ss.2 S.B in D.D. 117 on 21.5.1979 for the purpose of erection and maintenance of agricultural structures. If these structures were converted for non-agricultural purposes, his office would arrange to terminate the permit as appropriate. The occupier of the GL and the registered owner of the lots concerned should apply to his office for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the irregularities on-site. Should no STT/STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner. The site was accessible through an informal track on GL/other private land. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. Furthermore, the management and maintenance responsibilities of the same road/path/track should be clarified and consulted with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (h) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department for implementation of appropriate mitigation

measures;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the existing trees as shown on the plan submitted by the applicant on the southwestern corner of the western portion of the site were located outside the site. Besides, some of the existing trees had not been indicated on the plan;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to note that portable hand-operated approved appliance should be provided for the site office;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of the approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation 19(3) at building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line)

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

[The Chairperson thanked Mr. Kelper S.Y. Yuen, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Yuen left the meeting at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/378 Renewal of Planning Approval for Temporary Vehicle Repair Workshop under Application No. A/YL-ST/328 for a Period of 3 Years in “Residential (Group D)” zone, Lots 341 S.B RP (Part), 353 (Part), 354 (Part) and 210 (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/378)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the renewal of planning approval for temporary vehicle repair workshop under Application No. A/YL-ST/328 for a period of 3 years;

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

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period of the application and no local objection was received by the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of 3 years based on the assessment in paragraph 12 of the Paper. The application site was the subject of three previously approved applications (No. A/YL-ST/156, 255 and 328) for a similar use and there was no major change in the planning circumstances in the area. The approval conditions related to drainage facilities, vehicular access, run-in/out and fire extinguisher under the previous Application No. A/YL-ST/328 had been complied with. Sympathetic consideration could be given to the subject application which was for the renewal of planning approval under Application No. A/YL-ST/328 and continuation of the same use at the application site. While the application site was located within the Wetland Buffer Area as defined under the Town Planning Board Guidelines No. 12B for 'Application for Developments within Deep Bay Area', the Director of Agriculture, Fisheries and Conservation had no comment on the application on the understanding that the applied use was already in existence and temporary in nature. The applied use was considered not incompatible with the surrounding land uses which included open storage yards of containers, recyclable metal and container vehicles for sale. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the subject

“Residential (Group D)” (“R(D)”) zone as there was no known development proposal for this part of the zone. No environmental complaint against the site was received in the past three years. To minimize the potential environmental impacts, the same approval conditions restricting the operation hours as imposed under Application No. A/YL-ST/328 were recommended in paragraphs 13.2(a) and (b) of the Paper. Another approval condition requiring the maintenance of paving and boundary fencing on the site was also recommended in paragraph 13.2(c) of the Paper. To address the potential impact of waste water disposal to Inner Deep Bay, an approval condition requiring the maintenance of sewage treatment and disposal facilities was recommended in paragraph 13.2(f) of the Paper. To address the technical concerns raised by the relevant Government departments, approval conditions requiring the maintenance of drainage facilities, submission of records for the as-built drainage facilities and provision of fire service installations were recommended in paragraphs 13.2(e), (g), (h) and (i) of the Paper. Non-compliance with the approval conditions would result in revocation of the planning permission. Similar applications (No. A/YL-ST/374 and 375) for temporary parking of lorry cranes for sale with ancillary maintenance workshop and temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office respectively within the same “R(D)” zone were approved with conditions by the Committee for 3 years on 18.9.2009. Approval of the subject application was in line with the previous decisions of the Committee.

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 up to 4.12.2012, 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 9:00 p.m. and 7:00 a.m. was allowed on

the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the sewage treatment and disposal facilities should be maintained at all times during the planning approval period;
- (g) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.6.2010;
- (h) the submission of fire service installations (FSIs) proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.6.2010;
- (i) in relation to (h) above, the implementation of FSIs proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.9.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s)/licensee of the application site and access road;
- (b) to note the comments of the District Lands Officer/Yuen Long that the lots within the site were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his office. There were unauthorized structures (including converted containers) on lots within the site. The Government land (GL) within the site held under Government Land Licence (GLL) No. Y22394 issued for cultivation purpose was also occupied. His office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course, and would cancel the aforementioned Licence should else purposes were indeed found on-site. The registered owner(s) of Lots 210, 341 S.B RP and 353 in D.D. 105 and the occupier(s) of the lot(s) concerned should apply to his office for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize the irregularities on-site. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement/land control action against the registered owner(s)/occupier(s) according to the prevailing programme of his office. The ingress/egress of the site opened to a piece of GL covered by GLL No. Y22394. Consent should be obtained from the Licensee as appropriate. His office did not guarantee right-of-way nor

provide maintenance service for the access on GL outside public road;

- (c) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise the potential environmental impacts on the surrounding areas;
- (d) to note the detailed comments of the Drainage Services Department as indicated in Appendix V of the Paper;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there were materials stored within 1m of the existing trees which might cause damage to the tree trunks. The applicant was advised to store the materials at least 1m away from the trees. The applicant might install kerb or bollard to guard against damage to the trees;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. Use of container as offices and workshops were considered as temporary structures and were subject to control under the Building (Planning) Regulation Part VII. If the site did not abut on a specified street having a width of not less than 4.5m wide, the development intensity should be determined by the Building Authority under the Building (Planning) Regulation 19(3) at building plan submission stage;
- (g) to note the comments of the Director of Fire Services that FSIs were required in consideration of the design/nature of the proposed temporary structure not exceeding 230m² and in the form of open shed without storage

or storage of indisputable non-combustibles or standalone container used as office and stores (except Dangerous Goods). The applicant was advised to make reference to the requirements that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures as prescribed in Appendix VI of the Paper.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/379 Temporary Container Storage Yard and Container Vehicle Park
with Ancillary Vehicle Repair Area and Site Office for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive Development to
include Wetland Restoration Area” zone,
Lot 769 (Part) in D.D. 99, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/379)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary container storage yard and container vehicle park with ancillary vehicle repair area and site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers within 100m from the application site boundary and within 50m from the access road and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the applied use did not comply with the planning intention of the subject “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone. Although the site was filled and the applied use was similar to that of the surrounding area, it was located within the Wetland Buffer Area (WBA) as defined under the Town Planning Board Guidelines (TPB) No. 12B for ‘Application for Developments within Deep Bay Area’ and there were fishponds within the Wetland Conservation Area (WCA) abutting the eastern site boundary. As such, it would be desirable to discourage the continual use of the site for the applied use to minimize the off-site disturbance impacts to the fishponds in the WCA in the long run. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the width of the access road leading to Castle Peak Road which was not managed by TD might not be adequate for the maneuvering of container vehicles. The applicant should submit a properly prepared swept path analysis with clear indication of the actual road width at critical locations and sharp turning movement;
- (d) during the statutory publication period of the application, one public comment was received. It was submitted by three members of the public claiming that they were the owners of Lots 3 to 6 in D.D. 105. They raised objection to the application as the proposed development would have adverse impacts on the ecology and safety of their land and the traffic flow generated from the nearby container yards had already overloaded the existing track. They would fence off the land on Lot 4 in D.D. 105 to

block the local track leading to the application site; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. The development was not in line with the planning intention of the “OU(CDWRA)” zone which was to encourage the phasing out of sporadic open storage and port back-up uses and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. Approval of the application would render it difficult to realize the above planning intention. The site was located within the WBA and abutting the WCA. Four continuous large ponds within the adjoining WCA were located to the immediate east of the site. DAFC had raised ecological concern on the continuation of the development within the WBA. The application was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that in addition to DAFC’s concern, there were adverse departmental comments on traffic and environmental aspects and local objection against the application. The site was the subject of six previous applications (No. A/YL-ST/93, 149, 220, 250, 273 and 298) as detailed in paragraph 6 of the Paper. Application No. A/YL-ST/93 was approved in 1999 when the application site was zoned “Residential (Group D)” under the earlier version of the Outline Zoning Plan. Application No. A/YL-ST/149 was approved on 27.10.2000 up to 3.3.2003 to co-terminate with other approved temporary uses in the area in order to proactively encourage the implementation of the “OU(CDWRA)” zone. Applications No. A/YL-ST/220 and 250 were rejected by the TPB upon review in 2003 and 2004 respectively mainly on the grounds that the development was not in line with the planning intention of the “OU(CDWRA)” zone; the development did not comply with the TPB Guidelines No. 12B; there was insufficient information in the submission to demonstrate that the development would not have adverse drainage and environmental impacts on the surrounding areas; and approval of the application would set an undesirable precedent for other similar applications. Application No.

A/YL-ST/273 was approved on 10.12.2004 for 12 months basically on sympathetic ground to allow time for relocation of the site to other suitable location. The subsequent Application No. A/YL-ST/298 was rejected by the TPB on review in 2006 on similar grounds as those in the previously rejected Application No. A/YL-ST/250. In the same "OU(CDWRA)" zone, similar applications (No. A/YL-ST/278 and 253) were approved by the Committee and the Town Planning Appeal Board (TPAB) in 2005 and 2006 for a period of 12 months and 6 months respectively basically to allow time for the applicants to relocate their businesses to other suitable area. Since then, no similar applications had been approved. As there was no significant change in the planning circumstances, there was no strong justification to depart from the decisions of the TPB/Committee.

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

95. With reference to Plan A-1a of the Paper, a Member noted that two similar applications (No. A/YL-ST/182 and 253) to the south of the application site were allowed by the TPAB in 2002 and 2006 respectively. That Member enquired about the considerations that the TPAB had taken into account in allowing these similar applications, which might have bearing on the subject application. Ms. S.H. Lam said that both applications were for temporary container trailer/tractor park with ancillary office as shown in Appendix IV of the Paper. In allowing Application No. A/YL-ST/182 for a period of 12 months, the TPAB noted, among others, that the Appellant might have some difficulty in relocation and he should be given reasonable time to find alternative site without detriment to his business. As stated in paragraph 12.5 of the Paper, Application No. A/YL-ST/253 was allowed by the TPAB for a period of 6 months basically to allow time for the Appellant to relocate his business. The Secretary supplemented that in allowing Application No. A/YL-ST/253, the TPAB made it clear that the 6-month period was to give time for the Appellant to look for an alternative site to continue his operation and, barring any unforeseen change of circumstances, that was the final extension of any permission to the Appellant to use the site for the applied use. The subsequent application (No. A/YL-ST/322) for that site was therefore rejected by the TPB on review on 9.2.2007.

96. In response to the Chairperson's enquiry on whether the Appellant of Application

No. A/YL-ST/253 had relocated his business elsewhere, Ms. S.H. Lam said that the concerned site as shown on Plan A-2 of the Paper was vacant based on the land use survey conducted by PlanD on 23.10.2009.

Deliberation Session

97. After further 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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone which was to encourage the phasing out of sporadic open storage and port back-up uses, and to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds;
- (b) the development at the application site, which fell within the Wetland Buffer Area, did not comply with the Town Planning Board Guidelines No. 12B for ‘Application for Developments within Deep Bay Area’ in that the applicant failed to demonstrate that the development would not have a negative off-site disturbance impact on the ecological integrity and ecological value of the fish ponds within the Wetland Conservation Area in the Deep Bay area; and
- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there were adverse departmental comments and the applicant failed to demonstrate that the development would not have adverse ecological, environmental and traffic impacts on the surrounding areas.

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

Agenda Item 30

Any Other Business

98. There being no other business, the meeting was closed at 4:15 p.m..