

TOWN PLANNING BOARD

**Minutes of 409th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 18.12.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

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

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

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

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Dr. C.N. Ng

Professor David Dudgeon

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 408th RNTPC Meeting held on 4.12.2009

[Open Meeting]

1. The Secretary reported that amendment to the draft minutes of the 408th RNTPC meeting held on 4.12.2009 proposed by Mr. Ambrose Cheong, Chief Traffic Engineer/New Territories East, Transport Department (CTE/NTE, TD) was received. Mr. Cheong suggested revising paragraph 38(c) under agenda item 14 on page 29 by adding “no” before “in-principle objection” as follows:

“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;”

2. The Committee agreed that the minutes of the 408th RNTPC meeting held on 4.12.2009 were confirmed subject to the incorporation of the proposed amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Abandonment of Town Planning Appeal

(a) Town Planning Appeal No. 11 of 2007

Temporary Concrete Batching Plant

for a Period of 5 Years in “Open Storage” Zone,

Lot 167 (Part) in D.D. 83 and Adjoining Government Land,

Kwan Tei North, Fanling

(Application No. A/NE-TKL/286)

3. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) on 17.8.2007 to reject on review an application for a temporary concrete

batching plant for a period of 5 years in the “Open Storage” zone on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TLK/12 was received by the Appeal Board Panel (Town Planning) (the Appeal Board) on 6.11.2007. On 13.11.2009, the appeal was abandoned by the Appellant of his own accord. On 16.12.2009, the Appeal Board confirmed the abandonment in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(b) Town Planning Appeal No. 6 of 2009

Proposed Filling of Pond for Permitted Agricultural Use
in “Village Type Development” zone,
Lots 952 to 956 in DD 113,
Ho Pui, Yuen Long
(Application No. A/YL-KTS/449)

4. The Secretary reported that the subject appeal was received by the Appeal Board on 22.6.2009 against the decision of the Town Planning Board on 3.4.2009 to reject on review an application (No. A/YL-KTS/449) for proposed filling of pond for permitted agricultural use at a site zoned “Village Type Development” on the approved Kam Tin South OZP No. S/YL-KTS/11. On 9.12.2009, the appeal was abandoned by the Appellant on his own accord. On 16.12.2009, the Appeal Board confirmed the abandonment in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(ii) Appeal Statistics

5. The Secretary reported that as at 18.12.2009, a total of 21 cases were yet to be heard by the Appeal Board. Details of the appeal statistics were as below :

Allowed	:	24
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	136
Yet to be Heard	:	21
Decision Outstanding	:	0
Total	:	292

(iii) Approval of Draft Outline Zoning Plan

6. The Secretary reported that on 8.12.2009, the Chief Executive in Council (CE in C) approved the following draft OZPs under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and they were notified in the Gazette today:

- (a) Shau Kei Wan OZP (to be renumbered as S/H9/16);
- (b) Kowloon Tong OZP (to be renumbered as S/K18/16); and
- (c) Tsing Yi OZP (to be renumbered as S/TY/24).

(iv) Reference Back of Approved Outline Zoning Plan

7. The Secretary reported that on 8.12.2009, the CE in C referred the approved Tai Po OZP No. S/TP/21 to the TPB for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZP was notified in the Gazette today.

Tuen Mun and Yuen Long District

[Ms. Amy Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. W.M. Lam, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and Dr. Conn Yuen, Air Ventilation Assessment Consultant, were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL/3

Application for Amendment to the Notes of the “Comprehensive Development Area” zone of the Approved Yuen Long Outline Zoning Plan No. S/YL/18 by imposing (1) a maximum domestic plot ratio of 2.2, (2) a non-building area for use as open-air public transport interchange at the Southern Site (about half of it), (3) a maximum 30 parking spaces for visitors and nil for residents, (4) a maximum building height restriction of 90mPD, (5) two air ventilation corridors of 70m and 120m wide respectively at a maximum building height of 30mPD at the Northern Site and (6) a maximum gross floor area (GFA) concession not exceeding 10% of the total GFA of the site, West Rail Line Yuen Long Station and adjoining Public Transport Interchange, Yuen Long (whole “Comprehensive Development Area” zone) (RNTPC Paper No. Y/YL/3)

8. The Secretary reported that Mr. James C.W. Lau, being an adjunct professor of the Hong Kong University of Science and Technology (HKUST) which was the consultant of the applicant, had declared an interest in this item. As Mr. Lau had no direct involvement in the application, the Committee agreed that he could stay in the meeting.

9. Mr. Ambrose S.Y. Cheong, being the Chief Traffic Engineer/New Territories East, Transport Department (CTE/NTE, TD), had declared an interest in this item as the Commissioner for Transport was a Non-executive Director of the Mass Transit Railway Corporation Limited (MTRCL) which had submitted a public comment under this application. The Committee agreed that he should leave the meeting temporarily.

[Mr. Ambrose S.Y. Cheong left the meeting at this point.]

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

- Ms. Amy Cheung - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL)
- Mr. W. M. Lam - Senior Town Planner/ Tuen Mun and Yuen Long (STP/TMYL)
- Dr. Conn Yuen - Air Ventilation Assessment (AVA) Consultant

11. The following applicant's representative were invited to the meeting at this point:

Ms. Ho Ka Po
Mr. Tang Wing Ming
Mr. Wong Wai Yin
Dr. Chan Ka Lok
Ms. Kam Sin Yee
Ms. Law Ka Man
Ms. Wong Fung Yee
Mr. Chong Yiu Kai
Ms. Tsui Wai Tim
Ms. Yu Sau Yuen
Mr. Cheung Kwok Lun
Ms. Lee Kam Lan
Ms. Lai Kam Fung
Ms. Man Chung Yin

12. The Chairperson extended a welcome and explained the procedures of the hearing. She then invited Mr. W.M. Lam, STP/TMYL to brief Members on the background of the application.

Presentation and Question Sessions

13. Mr. W.M. Lam presented the application with the aid of a powerpoint and covered the following aspects as detailed in the Paper :

The proposed amendments

(a) the applicant proposed amendments to the Notes of the "Comprehensive

Development Area” (“CDA”) of the Yuen Long Outline Zoning Plan (OZP) by imposing a maximum domestic plot ratio (PR) of 2.2, a non-building area for use as an open-air public transport interchange at the Southern Site (about half of it), two air ventilation corridors of 70m and 120m wide at the Northern Site with a maximum building height of 30mPD, a building height restriction of 90mPD, a maximum of 30 parking spaces for visitors and none for residents, and a maximum GFA concession not exceeding 10% of the total GFA of the site;

- (b) an AVA Study Report comparing the air ventilation performance of the MTRCL’s indicative scheme and a reference case without property development was included in the application’s submission;
- (c) when compared the latest approved scheme (No. A/YL/125) of the subject “CDA” site with the conceptual scheme submitted by the applicant, there was a reduction of PR from 4.64 to 2.2 (-53%), a reduction of residential blocks from 9 (5 blocks at Northern Site and 4 blocks at Southern Site) to 4 (3 blocks at Northern Site and 1 block at Southern Site) (-56%), a decrease in building height from a maximum of 174.5mPD to 90mPD and a reduction in total carparking spaces from 325 to 30 (for visitors only);

Background

- (d) the Master Layout Plan (MLP) of the proposed residential/commercial development at the site (Application No. A/YL/90) was first approved by the Committee on 25.1.2002. Amendments to the approved scheme (Application No. A/YL/125) were last approved by the RNTPC on 28.1.2005;
- (e) in the 2007-08 Policy Address, the Chief Executive highlighted that the above-station property development projects at the Nam Cheong Station and the Yuen Long Station should be reviewed with a view to lowering their development densities. Subsequently, MTRCL’s indicative scheme was presented to the Panel on Development of the Legislative Council on 25.11.2008 and Yuen Long District Council on 23.4.2009 for consultation.

MTRCL's indicative scheme proposed a 15% reduction in GFA as compared with the approved scheme. A PR of 3.93 with 4 residential towers at the Northern Site and 3 residential blocks at the Southern Site, i.e. a total of 7 residential blocks ranging between 22 and 44 residential storeys and 2 levels of cascade podium at the subject site. The AVA prepared by MTRCL suggested that the elimination of one block each from Southern and Northern Sites would improve the wind performance at Sun Yuen Long Centre (SYLC) podium by 13% as compared with the approved scheme. MTRCL would further revise the indicative scheme to address the concerns raised during consultation;

- (f) the site was the subject of two s.12A applications (No. Y/YL/1 and Y/YL/2) in which the site was proposed to be rezoned to "Open Space" and "Government, Institution or Community" ("G/IC") respectively. Both applications were rejected by the Committee on 1.9.2006 and 24.8.2007 respectively;

Departmental comments

- (g) the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) objected to the proposal of zero car parking space for residents. He considered that the provision was far below the minimum requirements of residential car parking spaces in the HKPSG and it was not reasonable not to provide any parking space for the residents as it would cause inconvenience to the residents. Moreover, the parking requirement under the HKPSG had already taken into account the distance to the railway station;
- (h) the Chief Building Surveyor/NTE2 & Rail, Buildings Department (CBS/NTE2&R, BD) commented that the results of the public engagement exercise undertaken by the Council for Sustainable Development and the Council's recommendations were yet available and the Administration had not yet completed the review on GFA concession. Currently, BD was obliged to consider GFA concession in accordance with the Buildings Ordinance and the guidelines laid down in the Practice Notes for

Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAPs) and the Joint Practice Notes (JPNs);

- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that there was no demonstration on the relative air ventilation performance of the scheme approved by the Committee under Application No. A/YL/125 and that currently proposed by the applicant. PlanD had commissioned an AVA consultant to vet the submission. The Consultant's expert views were that the "Technical Guide for AVA for Developments in Hong Kong" ("Technical Guide") stipulated that the comparison of AVA should be conducted between design options. However, the baseline used in the applicant's AVA report was the existing conditions, and not a design option of an equivalent plot ratio proposed by the applicant. The depth and technical validity of the work conducted was below the minimum acceptable standard of good practice and the requirements stipulated for an "*initial study*" given in the Technical Guide. There was a lack of technical details including methodology, wind data analysis, selection of wind direction for simulation, mean speed profiles, urban roughness and turbulence intensities in the AVA report;

Public comments

- (j) during the statutory public inspection period, 1,723 public comments were received. 7 comments objected to or had reservation on the application. They were submitted by MTRCL, Shap Pat Heung Rural Committee, Joint Committee of Seven Villages in Shap Pat Heung, local villagers/residents and members of the public. The remaining 1,716 commenters, including 3 Yuen Long District Council (YLDC) Members, the Civic Party, Designing Hong Kong, the Owners Committees of SYLC and Cheong Wai Building, residents of SYLC, Village Representatives, local villagers/residents and members of public supported the application;

Opposing views

- (i) MTRCL commented that the application could not support the

strategic planning intention for sustainable development; scarce land resource along the railway should be optimised to meet housing need; the proposed scheme was not acceptable due to the lack of parking spaces which would cause illegal parking, traffic and road safety problems; the results of the AVA Report under the application comparing the approved scheme and no-development situation were questionable; and the proposed indicative scheme by MTRCL would achieve both strategic and local planning objectives;

- (ii) other opposing views from the local villagers and village representatives indicated that the applicant's scheme was tailor-made for SYLC based on the principle that the south and north of SYLC would not be blocked by buildings and the villages behind the site would be sacrificed; the application did not take into account local environmental problem in a comprehensive manner; the Government/MTRCL should conduct direct discussion with the villagers; MTRCL's indicative scheme did not resolve the villagers' concerns; the proposed development, together with YOHO Town development, would form a wall facing the villages to the north of the site and would obstruct wind flow and create heat island effect; and there would be ample new housing supply in Yuen Long in the coming years and no need to proceed with the development of such density at the site;

Supporting views

- (iii) the supporting views indicated that the MTRCL's indicative scheme failed to meet the expectation of the Yuen Long residents and would create 'wall effect' to the east of Yuen Long Town; the indicative scheme together with the YOHO Town Phase 3 development spreaded out in "U" shape impeding the east and southeast wind in summer and hence, the open-air bus terminus as the only buffer area allowing air circulation between the SYLC and YOHO Town should be retained; the '3 incense sticks' at the Southern Site under MTRCL's indicative scheme would affect the fung shui of the nearby villages and the surrounding areas; the reduction of the plot

ratio and capping of the GFA concession were effective means to prevent “wall effect” of a development; local residents lacked open space and public facilities. A library, a park and a centre for the elderly were needed at the site; as the development was on top of West Rail station, there was no need for the provision of car park; construction works at the site lasting for a few years would divert the vehicles/buses routing from Route 3 direct to roads near SYLC’s bus terminus. This would easily cause traffic accidents; the high-density buildings in the area with narrowed road would affect fire fighting; demolition of existing footbridge linking Kai Tei would make the only publicly owned access to be controlled by businessmen; and development at the site with marble cavities underneath would adversely affect the structural safety of SYLC and the nearby village houses.

PlanD’s views

- (k) PlanD did not support the proposed amendments to the Notes based on the assessment made in paragraph 11 of the Paper. The restriction of domestic/non-domestic PR of 5/9.5 for the “CDA” zone in 1998 had gone through the statutory plan-making and objection hearing procedures. The MLP for comprehensive residential and commercial development with a PR of 4.64 was approved by the Committee in 2005. In view of the increasing public concerns on wall effect and air ventilation caused by the proposed development, MTRCL was requested by the Government to review the approved scheme. However, there was a need to strike a balance between the provision of mass housing to meet the housing need and the general public aspiration for lower density development. The applicant’s proposal to reduce the PR to 2.2 and building height to 90mPD was only supported by an AVA. There were other relevant planning considerations such as planning intention, planning history, setting of the site, urban design and infrastructural provision, the need to capitalise the opportunity offered by the rail station, and the need for mass housing to meet the territorial housing demand. The proposed PR and building height were unjustified. Regarding the carparking provision, the AC for T/NT, TD

objected to the proposal in this regard as it was unreasonable not to provide parking space for residents. For the GFA concession, it was premature to adopt a 10% cap for the application site before the results of the public engagement exercise on “Building Design to Foster a Quality and Sustainable Built Environment” were available or any new policy was adopted. According to the CTP/UD&L, PlanD, the conclusion in the applicant’s AVA submission was not convincing and could not demonstrate the true air ventilation performance of the proposed scheme. Director of Environmental Protection indicated that the podium structures were regarded as noise mitigation measures to reduce traffic noise impact from the nearby roads including Castle Peak Road and Long Yat Road. However, there was no information in the submission to demonstrate whether a scheme without podium structure at the Southern Site could still meet the noise standards.

14. The Chairperson then invited the applicant’s representative to give a presentation of the proposed amendments to the Notes of the OZP. Ms. Ho Ka Po then presented the following main points of the proposed amendments with the aid of a powerpoint

- (a) the subject site was located on top of West Rail Yuen Long Station with a site area of 6,200m², zoned “CDA” zone on the Yuen Long OZP. According to the 2005 scheme, five residential blocks and four residential blocks were proposed at the Northern Site and Southern Site respectively. Subsequently, a revised scheme with a reduction of 15% GFA was proposed in November 2008. However, there were still many demerits in the revised scheme. The residential blocks, with a maximum height of 44 storeys at the Southern Site, were still too tall. SYLC was still sandwiched by high-rise residential blocks. Although the carparking facilities were now provided at the basement, there were still two storeys of podium with excessive commercial GFA;
- (b) based on the AVA report prepared by the HKUST, the revised scheme would reduce the wind speed by 50% at podium and 26% at ground floor when compared with the existing conditions. Although the Technical Guide

stated that AVA should compare different design options, it is considered that the air ventilation performance of the proposed development should be compared with the existing conditions. According to the Government, there was limited information on such comparison. MTRCL only indicated that the revised scheme would bring about 13% improvement in air ventilation when compared with the approved scheme;

- (c) the proposed amendments to the OZP put forward by the applicant had several merits including the incorporation of two breezeways of 120m and 70m wide at the Northern Site, a maximum building height restrictions of 90mPD (equivalent to 30 storeys), a lowered PR of 2.2 to reduce development intensity so as to ensure air ventilation of Yuen Long particularly in the eastern part, GFA concession not to exceed 10% of the total GFA to minimise the impact of “inflated buildings”, and an open-air public transport interchange at the Southern Site for better air and light penetration;
- (d) SYLC would be enclosed by high-rise buildings with the completion of YOHO Town Phase I, II and III. The five-storey podium of YOHO Town Phase III would block the south wind. Therefore, it was hoped that the development intensity of Yuen Long Station could be lowered. Moreover, the southeasterly wind to the villages to the north of the subject site would be blocked if the subject site was developed into high-rise buildings; and
- (e) according to HKPSG, carparking spaces should be reduced for development within 500m radius of a railway station. To encourage the use of mass transport, no carparking space should be provided for residents for the residential development above railway station. Therefore, no carparking space for resident was proposed in the application.

15. Dr. Chan Ka Lok made the following points:

- (a) when the Government and MTRCL consulted the local residents, the local residents were not convinced that the MTRCL’s indicative scheme with a

reduction of residential blocks from 9 to 7 was an improvement as there was no information on whether the impact generated by the developments in the surrounding areas had been taken into account;

- (b) AVA should be conducted to compare the indicative scheme with the existing conditions so as to demonstrate how far the local air ventilation would be worsened by the proposed development; and
- (c) while agreeing that the valuable land resources should be utilised effectively, there should be a vision to strive for a better quality living environment. It was necessary to consider strategically the use of land resources and the impact of development on the living environment.

16. Mr. Wong Wai Yin made the following points:

- (a) despite the good intention of the Government to reduce the number of residential blocks at the subject site, the extent of reduction was not significant enough to improve the air ventilation problem and lack of spacing between blocks. With the completion of all the high-rise developments in Yuen Long East, there would be cumulative adverse impacts on traffic, visual and air ventilation aspects. PlanD only focused on a particular site and failed to take a comprehensive view of the impact on the whole district;
- (b) Castle Peak Road (Yuen Long Section) was always crowded with people and road safety was a serious problem. The proposed shopping arcades in YOHO Town with no ground floor shops would further worsen the congested problem;
- (c) like other new development area such as Tin Shui Wai, there was insufficient land for Government, institution or community facilities and there was a lack of community facilities such as sports stadium; and
- (d) the proposed number of residential blocks at the subject site should be

further reduced in order to achieve a sustainable environment.

17. With the aid of a powerpoint, Mr. Tang Wing Ming made the following main points:

- (a) he was the chairman of the IO of SYLC. The subject application site was originally zoned “G/IC” on the Yuen Long OZP in 1995. Subsequently, it was rezoned to “CDA” for private residential development. The Southern Site, which was currently a bus terminus, was not above the West Rail Yuen Long Station. It was only linked to the Northern Site by a bridge and hence should not form part of the development site for the West Rail property development. Given the fact that a lot of Government offices/facilities in Yuen Long were accommodated in private development, consideration should be given to reserving some Government land for G/IC facilities;
- (b) residents living at SYLC, being sandwiched by the West Rail property development, would suffer from wall effect, blockage of air and light penetration, trapping of pollutants and hence affect the health of local residents. The cracks and sinking problem in SYLC caused by the construction of West Rail might be worsened with the construction of the proposed West Rail residential development. Casualties from fire hazard might increase due to the narrow site configuration and super tall building blocks. The village area to the north had been suffering from wind blockage and bad reception of TV signals since the construction of West Rail;
- (c) Yuen Long’s air quality had been worsened due to its proximity to the industrial developments in Shenzhen. The proposed high-rise building cluster in Yuen Long East would further adversely affect the air quality of Yuen Long. Moreover, the increasing population brought about by these densely built new developments would further congest the town centre and led to road safety problem;

- (d) MRTCL's indicative scheme with a reduction of 15% GFA failed to address the local concerns. The width of the proposed breezeways and the reduction in building height from a maximum of 47 storeys to 44 storeys or 174.5m to 167m were not sufficient to improve the situation. The proposed development was still taller than SYLC by 10 to 20 storeys and had totally blocked the ridgeline. The AVA study should compare the proposed development with the existing conditions so as to show how the new development would affect the living environment of the local residents; and
- (e) the currently proposed scheme under the application would reduce the buildable area of the Southern Site by half and retain a large part of the open-air PTI. There would be no podium at the Southern Site and no increase in the height of the podium at the Northern Site. Moreover, no parking space for residents was proposed. The proposed cap for GFA concession also helped avoid "inflated buildings".

18. Noting that the HKUST adopted a different approach for the AVA study, a Member asked PlanD's views on the HKUST's AVA and whether a reduction of PR to 2.2 would be able to optimise the use of land resources. Ms. Amy Cheung, DPO/TMYL, replied that the Technical Guide stated that AVA should be conducted to compare design options, not the existing scenario with no development, given the fact that every development would likely cause some air ventilation impact. On the question of PR reduction, air ventilation should not be the only factor to demonstrate a reasonable level of development intensity at the site. There should be other planning considerations such as planning intention, planning history, capitalization of infrastructural provision, utilization of valuable land resources etc. Ms. Cheung further explained that the stipulation of PR of 5/9.5 at the subject site on the OZP was based on an overall planning concept where tallest buildings were allowed along both sides of Castle Peak Road (Yuen Long Section) with building heights stepping down towards the fringe areas. The subject site which was located at the West Rail Station was treated as a secondary centre of Yuen Long Town where development opportunities had to be optimised.

19. Another Member asked if the maximum PR 5 for the "CDA" zone could be lowered. Ms. Cheung replied that a domestic PR of 4.64 was adopted in the previously

approved scheme. In response to the 2007-08 Policy Address to lower PR of property development above railway station, MRTCL had proposed an indicative revised scheme with a reduction of 15% GFA. The revised scheme was currently under review to incorporate the views of local residents collected at local consultation. It would be submitted to the Board for consideration when it was ready.

20. Mr. Wong Wai Yin said that since the subject site was a piece of Government land, the Government should consider to further lower the PR. In response to Ms. Cheung's explanation on the planning concept of Yuen Long town, he agreed that building height should be higher in the town centre and lower at the fringe areas. However, he noted that the reality was the opposite. High-rise developments were at the fringe areas and low rise buildings were found in the inner area of the town which had adversely affect air movement.

21. In response to a Member's query, Dr. Conn Yuen, the AVA Consultant, commented that the AVA conducted by the HKUST did not satisfy the requirements of the "Technical Guide" in that it did not consider all wind directions and did not adopt a valid control case. Moreover, the report proposed by HKUST did not provide sufficient data to support the conclusion made.

22. A Member asked if a similar AVA had been conducted by the AVA consultant of PlanD. Ms. Cheung responded that MTRCL had conducted an AVA to compare the indicative scheme with the approved scheme. If a revised scheme was submitted by MTRCL to the Committee in future, under the extant OZP, a quantitative AVA in support of the revised scheme should be submitted to the Committee for consideration.

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

Deliberation Session

24. Members generally agreed that there was insufficient information in the submission to justify the proposed amendments to the Notes of the “CDA” zone. However, the applicant’s and the local residents’ concerns on the wall effect, adverse air ventilation, traffic and environmental impacts generated by the proposed development at the “CDA” site were noted. Members were of the view that the residents’ concerns could be considered when MTRCL submitted its revised scheme to the Committee for approval.

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

- (a) the proposed maximum domestic plot ratio of 2.2 and building height of 90mPD which basically relied on air ventilation consideration were unjustified, and would not capitalise on the high accessibility of the site which was directly above and near the West Rail Yuen Long Station and would result in an under-utilisation of a valuable land resource in Yuen Long Town;
- (b) the Air Ventilation Assessment (AVA) report submitted did not follow the Technical Guide for AVA for Developments in Hong Kong and had a number of deficiencies. In particular, the reference case was based on an unrealistic assumption that there would be no property development at the “Comprehensive Development Area” site;
- (c) the proposed parking provision was substantially below the requirement of the Hong Kong Planning Standards and Guidelines and insufficient to meet the demand of the development; and
- (d) it was considered premature to impose a 10% cap on the total exempted Gross Floor Area (GFA) for the application sites before the results of the public engagement exercise on the matter by the Council on Sustainable Development were available and the adoption of any new policy on GFA concessions. Moreover, there was no substantiation on how the proposed 10% cap was derived.

[The Chairperson thanked Ms. Amy Cheung, DPO/TMYL, Mr. W.M. Lam, STP/TMYL, and Dr. Conn Yuen, AVA Consultant, for their attendance to answer Members' enquires. Ms. Cheung, Mr. Lam and Dr. Yuen left the meeting at this point.]

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

Sai Kung and Islands District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/8 Proposed Ten 3-Storey Houses
 in "Village Type Development" zone,
 Lot No. 26RP (Part) in D.D. Cheung Chau, Cheung Chau
 (RNTPC Paper No. A/I-CC/8)

26. The Committee noted that there was a replacement page to correct typo mistake of the date regarding the validity period in paragraph 11.2 of the Paper.

Presentation and Question Sessions

27. 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 highlighting that the site was previously used as a confessionary factory, which ceased operation before the first gazettal of the Cheung Chau Outline Zoning Plan (OZP) on 18.6.2004;
- (b) the ten 3-storey houses;

- (c) departmental comments –concerned Government departments had no objection/adverse comments;
- (d) two public comments were received during the statutory publication period. One commenter was a Member of Islands District Council (IsDC). He commented that green areas should be provided for the benefits of the residents from visual and landscaping points of view. A development of 2 storeys was considered more preferable. The other commenter was of the view that there was a huge oversupply of housing, particularly at the nearby Scenic Garden. To build more relatively high-density housing at the northern part of the island would not be beneficial to either the developer or the property owners. Also, to build the proposed ten 3-storey houses in a small area of historic relevance was not appropriate. He also remarked that larger family accommodation might be more in keeping with the surrounding environment and the needs of the community. No local objection/view was received by the District Officer (Islands); 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 development of 10 number of houses, each with a maximum building height of 3 storeys (8.23m), was considered compatible with the surrounding existing development comprising mainly residential village houses and institutional facilities of 2 to 4 storeys high. Upon development of the site and the removal of the temporary structures, the surrounding environment and the streetscape would be improved. Given the scale and nature of the proposal, there would not be any significant adverse traffic, environment, drainage or visual impacts on the surrounding areas. Regarding the comment raised by a Member of IsDC on the high intensity of the proposed development, it should be noted that the application site was zoned “Village Type Development” on the OZP where 3-storey NTEH was always permitted. Regarding the other public comment on the oversupply of housing for small family accommodation, it should be noted that the size of residential unit was subject to market demand which was

not a criterion in considering the proposed housing development.

28. Members had no question on the application.

Deliberation Session

29. 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 18.12.2013, 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 condition that the submission and implementation of landscape proposal with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

30. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Islands with details of redevelopment proposal for the proposed development;
- (b) to make necessary and proper connection to the public sewer(s) for the proposed development;
- (c) that the arrangement on emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by Buildings Department; and
- (d) to note that the proposed site coverage, plot ratio and building height, might need to be further considered under Building (Planning) Regulation (B(P)R) 18A or 19(3) when a development proposal was submitted under the Buildings Ordinance. In this connection, the applicant should provide the following information for consideration by the Director of Buildings:
 - (i) information substantiating the street abutting the site fulfilled the requirements of specified street under B(P)R 18A(3); and

- (ii) lease document to substantiate the site area and site boundaries, particularly any paths or streets cutting across the site.

[Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/106 Proposed Rain Shelter
 in “Coastal Protection Area” zone,
 Government Land (near Lot 726 RP in D.D. 316) in Lo Wai Tsuen,
 Pui O, Lantau Island

 (RNTPC Paper No. A/SLC/106)

Presentation and Question Sessions

31. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed rain shelter with a site area of 45m²;
- (c) departmental comments –concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 9 of the Paper. The application site was located in Pui O which was a popular local tourist

destination for recreation purposes with village settlements. The proposed rain shelter would serve the needs of local residents and tourists, and enhance the community facilities and living environment of the area. The proposed single-storey structure was minor in scale. The Director of Architectural Services considered that it would unlikely impose adverse visual impacts on the village environment and was not incompatible with the surrounding area. The proposed development would not involve extensive clearance of vegetations and would not cause any adverse impacts on the landscape character and natural features in the surrounding areas and the “Coastal Protection Area” zone.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 18.12.2013, 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.

34. The Committee also agreed to advise the applicant:

- (a) to note the Director of Agriculture, Fisheries and Conservation’s comment that the applicant should minimize any disturbance on the mature tree to the south-western end of the proposed site; and
- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the applicant should ensure the retaining structures required to form the building terrace should have adequate finishes and planting (i.e. climbing plants) to harmonize the structures with the surrounding green “Coastal Protection Area”; restore/re-vegetate the disturbed ground resulted from the development; and ensure that the materials and colour scheme for the proposed rain shelter would match

with the surrounding environment.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/174 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 389 S.A, 390 S.A, 390 S.B and Adjoining Government Land in
D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/174)

Presentation and Question Sessions

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

- (a) background to the application highlighting that there was no previous application at the site but there were 33 similar applications in the vicinity of which 26 were approved and 7 were rejected;
- (b) proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) advised that the application site encroached upon WSD Lower Indirect Water Gathering Grounds. He objected to the application as the proposed development would likely increase the pollution risks to the water quality within the water gathering grounds. The Director of Environmental Protection (DEP) objected to the application as the application site was located within water gathering ground where no sewer was available. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the proposed NTEH would have direct impact on the farming activities at the site which was one of the major good agricultural land in Sai Kung. Therefore, he did not

support the application. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. According to District Lands Officer/Sai Kung, the application site was entirely within the village ‘environs’ (‘VE’) of Ho Chung Village and the outstanding Small House applications for Ho Chung Village (including Nam Pin Wai) was about 135 while the 10-year Small House demand forecast was 250. It was estimated that the about 4 ha of buildable land (equivalent to 158 Small House sites) within the “Village Type Development” (“V”) zone of Ho Chung Village (including Nam Pin Wai) could not fully meet the future Small House demand;

- (d) during the statutory public inspection period, three public comments were received. These public comments were submitted by Designing Hong Kong Limited and two members of the general public. They objected to the application because it was within the “Agriculture” (“AGR”) zone, the area lacked sustainable village layout for quality transport, road works, public facilities, amenities and public spaces. There were also major concerns on adverse traffic and infrastructure impacts. No local objection/view was received by the District Officer (Sai Kung); and

- (e) Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The proposed Small House development was not in line with the planning intention of the “AGR” zone for the area which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with potential for rehabilitation for cultivation and other agricultural purposes. The DAFC did not support the application. Although the proposed NTEH development partly fell within the Lower Indirect Water Gathering Grounds and the proposed septic tank was located outside the Lower Indirect Water Gathering Grounds, the CE/D(2), WSD

objected to the application as the proposed development would likely increase the pollution risks to the water quality within the water gathering ground. The DEP also objected to the application in this regard. The AC for T/NT advised that he had reservation on the application. The NTEHs development should be confined within the “V” zone as far as possible. Such development if permitted would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. There were public comments objecting to the application.

36. Members had no question on the application.

Deliberation Session

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

- (a) the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development was located within the water gathering ground. There was insufficient information in the submission to demonstrate that the proposed sewage disposal system would not pollute the water gathering ground; and
- (c) the cumulative impact of approving NTEH development in “AGR” zone might have adverse traffic impact on the local road network.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/167 Proposed Three Houses
(New Territories Exempted Houses – Small Houses)
in “Village Type Development” and “Green Belt” zones,
Lot 45 sAD, sO and sP in D.D. 213, Lung Mei Tsuen, Sai Kung
(RNTPC Paper No. A/SK-PK/167)

Presentation and Question Sessions

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

- (a) background to the application highlighting that there were nine similar applications all approved by the Committee between 1996 and 2001;
- (b) proposed three houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments –concerned Government departments had no objection/adverse comments;
- (d) while no public comment was received during the statutory publication period of the application, one public comment was received when further information of the application was published for public inspection. The commenter objected to the application as the area lacked plan for a sustainable village layout and a quality urban design and part of the Site was zoned “Green Belt”. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The

application generally complied with the Interim Criteria and the relevant TPB Guidelines as the Site fell entirely within the village ‘environs’ of the Village and over 50% of the footprint for each of the proposed 3 Small House fell within the “Village Type Development” (“V”) zone. There was a slight shortage of land in meeting the future Small House demand in the Village. According to the District Lands Officer/Sai Kung, the estimated 10-year Small House demand forecast and the outstanding Small House applications were 10 and 13 respectively (or equivalent to about 0.56ha of land). It was estimated that about 0.53 ha (or equivalent to about 21 Small House sites) of land available within the “V” zone of the Village could not meet the future Small House demand. Therefore, sympathetic consideration could be given to the application. Director of Agriculture, Fisheries and Conservation advised that the proposed development would unlikely cause any significant adverse ecological impact on the surrounding. The Chief Town Planning/Urban Design and Landscape (CTP/UD&L) advised that the site was generally flat and covered with grass. If proper tree species in the zone were planted in the “Green Belt” (“GB”) portion of the application site, a smooth transition from the “V” to “GB” zones could be maintained. The CTP/UD&L had no objection to the application from the landscape point of view. The proposed development would not have any adverse infrastructural impacts on the surrounding. The other Government departments concerned had no adverse comments on the application and only one local objection was received.

39. Members had no question on the application.

Deliberation Session

40. 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 18.12.2013, 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 and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a Natural Terrain Hazard Study and the implementation of the geotechnical mitigation measures, if any, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of stormwater drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

41. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/Sai Kung, Lands Department for the land grant to effect the proposed New Territories Exempted House (Small House) applications; and
- (b) to liaise with the Chief Engineer/Development(2), Water Supplies Department (CE/D(2), WSD) on the provision of water supply to the proposed development. The applicants might need to extend their inside services to the nearest suitable Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/D(2), WSD's satisfaction.

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

[Mr. W.K. Hui, District Planning Officer/Shah Tin, Tai Po and North (DPO/STN), and Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, Senior Town Planners/Shah Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 12A Application

[Open Meeting]

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

(RNTPC Paper No. Y/NE-TK/5)

42. The Secretary reported that Mr. Tony C.N. Kan who had current business dealings with the applicant had declared an interest in this item. As the applicant had requested to defer consideration of the application, the Committee agreed that Mr. Kan could stay in the meeting.

Presentation and Question Sessions

43. The Committee noted that the applicant’s representative on 3.12.2009 requested for deferment of the consideration of the application for two months in order to allow time to further consult relevant Government departments to address outstanding issues of the application.

Deliberation Session

44. 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 since a total of eight months had been allowed for preparation of further submission, no further deferment would be granted unless under very special circumstances.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-HT/5 Temporary Place of Recreation (Barbecue Areas, Play Area, Handicraft Making, Refreshment Kiosk and Fishing Ground) for a Period of 3 Years in “Agriculture” zone, Lots 641RP, 648, 651, 653, 654 (Part), 655 (Part), 656 (Part), 658-662, 663 (Part), 666 S.A to S.C in D.D.76 and Adjoining Government Land, Hok Tau, Fanling
(RNTPC Paper No. A/NE-HT/5)

Presentation and Question Sessions

45. The Committee noted that the applicant’s representative on 9.12.2009 requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the traffic issues.

Deliberation Session

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/NE-KTS/282 Social Welfare Facility (Drug Rehabilitation and Recreation Centre)
in “Green Belt” zone,
48 Ki Lun Village, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/282)

Presentation and Question Sessions

47. The Committee noted that the applicant’s representative on 26.11.2009 requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the landscaping comments of Planning Department.

Deliberation Session

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/284 Proposed Utility Installation for Private Project
(Transformer Room, Switch Room, Refuse Chamber,
Telecommunications and Broadcasting Equipment Room,
Meter Room, Toilet and Gas Governor Room)
in “Village Type Development” zone,
Lots 516 S.D, 527 S.A and 528 S.D in D.D. 92, Kam Tsin Village,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/284)

49. The Secretary reported that Dr. James C.W. Lau who had current business dealings with the consultant of this application had declared an interest in this item. As he was not directly involved in the application, the Committee agreed that he should stay in the meeting.

Presentation and Question Sessions

50. 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 highlighting that the application site was the subject of a previous application (No. A/NE-KTS/272) for similar uses on the same site submitted by the same applicant which was approved with conditions by the Committee on 17.4.2009;
- (b) as compared with the approved scheme, the major changes involved the addition of a toilet and a gas governor room at Site A, increase in total gross floor area from 97.92m² to 119.06m² (+21.14m² or +21.6%) and changes in the disposition, dimension and building heights of some of the proposed utility facilities including the stacking up of the switch room above the transformer room resulting in an increase in building height of the proposed structure at Site A from 1 storey (4.60m) to 2 storeys (8.55m);

+3.95m or +86%);

- (c) departmental comments – relevant Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The proposed utility installation in the current application was required for the provision of power supply, telephone lines, gas and refuse collection facilities to the 24 NTEHs – Small Houses in the vicinity of the application site. It was small in scale and was not incompatible with the village character of the surrounding areas. It was unlikely that the proposed utility installation would have adverse impacts on the surrounding areas. Concerned departments had no objection to or no adverse comment on the application. There was no material change in planning circumstances or change in the land use of the surrounding areas since the previous planning approval (No. A/NE-KTS/272) was granted.

51. Members had no question on the application.

Deliberation Session

52. 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 18.12.2013, 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 design and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

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

53. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/North, Lands Department for a short term waiver for the proposed development;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the structures of the proposed development should be covered by Certificate of Exemption under Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);
- (c) to note the Director of Fire Services' comment that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means for Access for Firefighting and Rescue administered by Buildings Department;
- (d) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) the application site was located within Water Supplies Department flooding pumping gathering ground;
 - (ii) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being polluted or silt up;
 - (iii) the applicant should comply with the latest effluent discharge

requirements stipulated in the 'Water Pollution Control Ordinance';

- (iv) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited;
 - (v) U-channels should be constructed to circumscribe the refuse chamber to intercept all foul water. The foul water should be led to a manhole, and be discharged through a pipe system to the development's foul drainage system. Grating, desilting and fine screening facilities should be provided to prevent ingress of solids;
 - (vi) the foundation of the refuse chamber should be designed to be waterproofing; and
 - (vii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
- (e) to note the Director of Electrical and Mechanical Services' comments that:
- (i) 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:
 - 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 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 the electricity supply lines; and
- (ii) there was an existing town gas high pressure transmission pipes running along the Kam Tsin Road at the upper North West corner near the application site. As such, the project proponent/consultant should note the requirements of Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger From Gas Pipes and maintain Liaison/coordination with the Hong Kong and Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines during the design and construction stages of development;
- (f) to note the Chief Town Planner/Urban Design & Landscape, Planning Department's comment that landscaping/planting design should be introduced for the whole site (including the proposed village houses and the utility installation) so as to reduce the solidness of the overall development; and
- (g) to note that the permission was only given to the development under

application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/405 Two Proposed Houses
(New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1509 in D.D. 83, Lung Yeuk Tau
(RNTPC Paper No. A/NE-LYT/405)

Presentation and Question Sessions

54. 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 highlighting there was no previous application on the application site. Among the 25 similar applications for Small House development within the “AGR” zone in the vicinity of the application site, one application was rejected while another one was partially rejected;
- (b) two Proposed Houses (New Territories Exempted Houses (NTEH) – Small Houses)
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, Lands D) did not support the application in accordance with prevailing land policy as the application site fell outside the village ‘environs’ (‘VE’). The Assistant Commissioner for

Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and commented that the proposed NTEHs should be confined within the “Village Type Development” (“V”) zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed developments was not expected to be significant, such development if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. No objection/adverse comments were received from the other concerned Government Departments;

- (d) a public comment indicating support of the application was received during the statutory publication period. The District Officer (North) had no objection to the application but indicated that the Fanling Heung Rural Committee and village representatives of Lung Yeuk Tau Village should be consulted.; 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 DLO/N’s records, there was insufficient land in the “V” zone of Lung Yeuk Tau to meet the demand of village houses. Notwithstanding, the proposed NTEHs (Small Houses) did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development (Interim Criteria) in that the proposed NTEH (Small House) footprints fell entirely outside the ‘VE’ and largely (88.87%) outside the “V” zone. Development of NTEH/Small House with more than 50% of the footprint outside both the ‘VE’ and the “V” zone would normally not be approved unless under very exceptional circumstances. There were no exceptional circumstances that merited special consideration of the application. In this regard, the DLO/N did not support the application in accordance with prevailing land policy. The approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for similar applications in the area and deviate from the Committee’s previous decision.

55. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development (Interim Criteria) as the application site fell entirely outside the village ‘environs’ and mostly outside the “Village Type Development” zone of Wing Ning Wai, Wing Ning Tsuen, Tung Kok Wai, Ma Wat Tsuen, Ma Wat Wai, Tsz Tong Tsuen and Lo Wai. There was no exceptional circumstances to merit special consideration of the application; and
- (b) the approval of the application, which did not comply with the Interim Criteria, would set an undesirable precedent for other similar applications in this area.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/406 Temporary Public Vehicle Park
(Private Cars and Light Goods Vehicle) for a Period of 3 Years
in “Village Type Development” zone,
Taxlord Lot No. 1431 S.A RP (Part) in D.D. 83, San Uk Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/406)

Presentation and Question Sessions

57. The Committee noted that the applicant's representative on 10.12.2009 requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from Transport Department and Environmental Protection Department.

Deliberation Session

58. 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/330 Temporary Open Storage of Construction Machinery and
Construction Materials for a Period of 3 Years
in "Agriculture" zone,
Lots 1085 (Part), 1086, 1088 S.A, 1088 S.A ss.1, 1089 and 1112 in
D.D. 82, (near Shui Hau), Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/330)

Presentation and Question Sessions

59. 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 highlighting that the application site was the subject of a previous application (No. A/NE-TKL/317) for the same use submitted by the same applicant but at a slightly larger site. On 11.9.2009,

the application was rejected by the Town Planning Board (TPB) on review on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the application did not comply with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’. There were 17 similar applications within or mainly within the “AGR” zone in the vicinity of the application site. Eight applications involving six different sites were rejected while nine applications involving four different sites were approved;

- (b) temporary open storage of construction machinery and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural lives in the vicinity were active. The application site and its surrounding abandoned land were graded “good” agricultural land with “high” potential for agricultural rehabilitation. 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) objected to the application from the landscape planning point of view as the surrounding environment was generally natural and green with many existing trees/tree groups of a typical rural character. The proposed development was considered not compatible with the existing landscape character and surrounding natural environment. Other concerned Government departments had no objection/adverse comments;
- (d) one public comment from Ta Kwu Ling District Rural Committee (TKLDRC) was received during the statutory publication period. TKLDRC objected to the application as the North East New Territories New Development Areas Planning and Engineering Study had not determined the land use on the application site. The District Officer (North) had no comment on the application and advised that consultation with the

Chairman of Ta Kwu Ling District Rural Committee, the concerned District Council member and Indigenous Inhabitants Representative and Resident Representative of Tong Fong Village was required.; 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 under application was not in line with the planning intention of the “AGR” zone 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. The DAFC did not support the application in this regard. The proposed development did not comply with the TPB Guidelines No. 13E in that no previous planning approval had been granted for the application site and there were adverse departmental comments and local objection from the concerned Rural Committee. The applied use was considered not compatible with the existing natural and green landscape character and surrounding environment. The approval of the application would set an undesirable precedent that would further deteriorate the existing landscape quality of the area and nibble away the arable land in the vicinity, hence causing adverse landscape impact to the surrounding area. The previous application (No. A/NE-TKL/317) was rejected by the TPB on review on 11.9.2009. There had been no material change in planning circumstances since the rejection of the previous application which warranted a departure from the Committee's previous decision.

60. Members had no question on the application.

Deliberation Session

61. After 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 Ping Che and 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 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 objection against the application; and
- (c) the proposed use would generate adverse environmental and landscape impacts on the surrounding areas.

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-TKL/331 Proposed Columbarium
in “Government, Institution or Community (1)” zone,
Lots 11 S.A (Part) and 11 S.B in D.D. 77, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/331)

Presentation and Question Sessions

62. The Committee noted that the subject application site was related to five adverse representations received during the exhibition period of the Pa Che and Ta Kwu Leng Outline Zoning Plan No. S/NE-TKL/13 of which the Town Planning Board gave consideration under section 6B(1) of the Ordinance and decided not to uphold all the five representations on 30.10.2009. These outstanding representations were yet to be submitted to Chief Executive in Council (CE in C) for consideration. According to the Town Planning Board Guidelines No. 33, Planning Department recommended the Committee to defer a decision on the subject application.

Deliberation Session

63. After deliberation, the Committee decided to defer a decision on the application as requested by Planning Department. The Committee also agreed that the application should be submitted to the Committee for consideration after the CE in C's decision on the adverse representations had been made.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/690 Proposed Shop and Services (Convenient Store)
 in "Industrial" zone,
 Portion of Workshop I, G/F, Universal Industrial Centre,
 Nos. 19-25 Shan Mei Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/690)

Presentation and Question Sessions

64. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed shop and services (Convenient Store);
- (c) departmental comments – the Director of Fire Services (DFS) commented that the aggregate commercial floor area on the ground level of the subject industrial building (Universal Industrial Centre) was subject to a maximum permissible limit of 460 m². He originally opined that the convenient store should not be counted towards the aggregate commercial floor area. However, after further consideration, he considered that there should be a certain amount of customers visiting the proposed store and opined that

gross floor area (GFA) of the proposed shop should also be counted towards the aggregate commercial floor area of 460 m². As the existing commercial GFA on ground floor was only about 95m², the additional 48m² GFA from the proposed convenient store would not exceed the criterion of 460 m². Other concerned Government departments had no objection/adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the Board based on individual merits and the planning assessment criteria set out in the Town Planning Board (TPB) Guidelines No. 25D. The proposed convenient store under 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. The proposed convenient store was small in size (only about 48.97 m²) and would not result in a significant loss of industrial floor space. Concerned Government departments had no adverse comment. The use of the premises as convenient store was in line with the TPB Guidelines No. 25D. In order not to jeopardise the long term planning intention of industrial use for the subject 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.

65. Members had no question on the application.

66. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (b) the implementation of the fire safety measures within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010; 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.

67. The Committee also agreed to advise the applicant :

- (a) that a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) 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;

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/691 Proposed Amendments (with Minor Relaxation of Maximum Gross Floor Area) to the Approved Master Layout Plan under Application No. A/ST/625 for Comprehensive Commercial/Residential Development cum Educational Institution (Post-secondary College) in “Comprehensive Development Area (1)” zone, Ma On Shan Line Tai Wai Station Site, Sha Tin
(RNTPC Paper No. A/ST/691)

68. The Secretary reported that the application was submitted by Mass Transit Railway Corporation Limited (MTRCL). Mr. Ambrose S.Y. Cheong being the Chief Traffic Engineer/New Territories East, Transport Department (CTE/NTE, TD) had declared an interest in this item as the Commissioner for Transport was a Non-executive Director of MTRCL. The Committee agreed that he should leave the meeting temporarily.

69. The Committee noted that Sha Tin District Council (STDC) had passed motions regarding the proposed development at the subject site. Mr. Tony C.N. Kan, being a member of STDC, had declared an interest in this item. The Committee agreed that Mr. Kan should leave the meeting temporarily.

70. The Secretary reported that Civil Force had submitted a petition objecting to the

subject application before the meeting. Their views in the petition were largely the same as those in the Paper. Members noted that the letter from Civil Force was tabled at the meeting.

Presentation and Question Sessions

71. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application highlighting the previous application No. A/ST/625 with the maximum total gross floor area (GFA) of 264,120m² including 10,530m² (4.15% increase in GFA) for the post-secondary college (PSC) was approved with conditions by the Committee on 29.7.2005.;
- (b) as compared with the approved scheme under No. A/ST/625, the total GFA of the proposed scheme had increased from 264,120m² to 267,480m² (+3,360m²) due to the increased floor area of the PSC from 10,530m² to 15,000m² as requested by the Education Bureau. As the deleted GFA of the previously proposed kindergarten (1,110m²) had been included into the extended PSC, the net increase of GFA was 3,360m² for the whole development. The originally standalone PSC was integrated into the podium. The maximum height of the residential towers were reduced by about 6.7m from 206.5mPD to 199.8mPD and from a maximum of 52 storeys to 49 storeys (excluding refuge floor and lobbies) above podium. The form and disposition of buildings blocks had been revised to incorporate gaps of approximately 3m to 18m between adjacent residential blocks and 50m between Towers 3 and 4. Moreover, ground floor and podium edge setbacks at the south-eastern corner were proposed to form a widened landscape promenade along the Shing Mun River Channel while a proposed pedestrian piazza was proposed at the south-western corner. The total parking spaces for private car had been increased from 323 to 411 (i.e. +27.2%) as a result of adopting a different carparking ratio of 1 space per 7 flats as compared to the previous carparking ratio of 1 space per 9 flats. Other development parameters of the previously approved scheme

remained unchanged;

- (c) departmental comments – the Director of Environmental Protection (DEP) noted that there were still 456 number of flats (about 16% of total number of flats) exposed to traffic noise exceeding the Hong Kong Planning Standard and Guidelines (HKPSG) Standard of 70dB(A) L10(1Hr), and the highest being 74dB(A). On the condition that all best practicable noise mitigation measures would be incorporated and that the noise performance at all flats and details of the noise mitigation measures adopted would be disclosed to the public, he had no objection to the proposal. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) also had no objection to the application provided that the traffic impact assessment (TIA) would be reviewed later to ascertain the capacities of the roundabout and the adjacent road network. Secretary for Education supported MTRC's proposal of enlarging the post-secondary college from 10,530m² to 15,000m² (with the kindergarten deleted and its GFA of 1,110m² included in the PSC). The Chief Town Planner/ Urban Design & Landscape, Planning Department (CTP/UD&L, Plan D) considered that a riverside promenade connecting the piazza along the eastern part of the site, the setback of the podium at the south-western and north-eastern corners of the application site and the stepped setback of the podium were improvements. The refined mass of the podium helped soften the visual impact and enhance visual amenity for pedestrian at street level. Regarding the air ventilation aspect, she considered that the applicant should examine ways to further improve design to enhance air flow and air ventilation performance especially near Man Lai Court. The Chief Architect/Advisory & Statutory Compliance, Architectural Services Department considered that the provision of gap between towers and reduction of tower bulkiness were improvements over the approved scheme. The Project Manager/New Territories East, Civil Engineering and Development Department (PM/NTE, CEDD) commented that the area to be provided at ground level for bicycle parking should be enlarged without compromising the entry plaza. Moreover, the development should be required to make temporary re-provisioning of the bicycle spaces during

the construction stage until the permanent bicycle parking spaces were available in the development;

- (d) during the first three weeks of the statutory public inspection period, 5 comments from the Civil Force, Mr. Tang Wing Cheong of STDC and 3 general public were received. Civil Force requested provision of more community facilities including integrated community facilities with a separate library to cope with the increasing population in Tai Wai. They also had concerns on the development compatibility and air ventilation and visual impacts to the surrounding areas. In particular, they requested the future tender document for the proposed development to contain the requirement to comply with guidelines on air ventilation assessment. They collected about 1,600 signatures from the public to support their request for (a) improving the design of the development to minimize wall effect; (b) objecting the provision of PSC; and (c) provision of community facilities including a library for Tai Wai Area. STDC member Mr. Tang Wing Cheong proposed that the library of PSC should be enlarged and open to the public. There were 3 comments received from the general public. One supported the deletion of the kindergarten and inclusion of its GFA into the PSC and also requested for a library, greening area and addition of escalator linking Sun Chui Estate and Tai Wai Station. One objected to the application on grounds of wall effect and insufficient public consultation. The third one objected to the application on the grounds of the lack of planning studies and photomontages to show that the proposed development would blend in with the community culture and architectural characteristics of Tai Wai and that it would not cause wall effect. The developer failed to reduce the total floor area and building height to balance the claims of different interest groups including Tai Wai residents who would have to pay for the proposed development in terms of environment and community value;
- (e) the District Officer/Sha Tin had given the relevant information concerning the application to the DC members concerned, the relevant Area committees, and the Incorporated Owners/ Mutual Aid Committees in

relevant area. He believed that they would send comments, if any, to the Town Planning Board direct; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The currently proposed scheme was basically similar to the previously approved scheme in the overall outline, intensity and disposition layout. The major amendment involved the increase in size of the proposed PSC as requested by the S for E and the deletion of kindergarten. Both the DEP and the AC for T/NT, TD had no objection to the application. As compared with the previously approved scheme (No. A/ST/625), the building height on podium had been reduced with introduction of gaps (3m to 5m) between some residential towers (nil between those blocks in No. A/ST/625). Overall, there were slight improvements in the height profile of residential blocks compared with the approved scheme. Both the CA/ASC, ArchSD and the CTP/UD&L, PlanD had expressed no adverse comments on the visual aspect of the application. The ground floor setbacks of about 10m along the eastern boundary of the site, together with cycle track and footpath, a 15m passage way/promenade would be available fronting Shing Mun River Channel. The setbacks at the south-western and at the south-eastern corners also helped alleviate visual impact at street level and create opportunity for the introduction of pedestrian piazzas at the corner of Mei Tin Road/Che Kung Miu Road and at the corner of Che Kung Miu Road/Shing Mun River Channel. In terms of pedestrian connection and its interface with the river channel, the current scheme had some improvements to the approved scheme. The wider building gaps would improve air ventilation, and also enhance wind penetration to the surrounding area. Besides, the setback of podium helped achieve a better wind environment at pedestrian level. There was no adverse comment on the air ventilation submission from the CTP/UD&L. An approval condition on design and disposition of building blocks to ensure the provision of a good layout to enhance air flow and air ventilation performance was suggested. Regarding PM/NTE, CEDD's and TD's concern on the permanent and interim provision of public bicycle parking in the scheme,

approval condition was recommended to require the applicant to design and provide the bicycle parking facilities to the satisfaction of TD. Regarding the provision of a public library, the Director of Leisure and Cultural Services opined that library facility was sufficient in the district in view of the public libraries in Sha Tin, Lek Yuen and Ma On Shan and also mobile libraries in the area. Also, a site in Area 14 had been reserved for library use. For the provision of other GIC facilities, concerned departments had made no request to set up their facilities at the site. As to the suggested share use of library facilities in the proposed PSC, the S for E responded that he would consider carefully when he invited application for the operation of the proposed PSC.

72. The Chairperson asked about the difference of the podium height between the current scheme and the previously approved scheme noting that there was an increase in carparking spaces. Mr. W.K. Hui responded that the podium height was 38.5mPD which was the same as the previously approved scheme. The additional carparking spaces would be incorporated in the additional basement floor of the current scheme. In response to the Chairperson's further enquiry on the increased carparking spaces, Mr. Hui replied that the applicant had adopted the current standard of HKPSG which was based on factors of global parking standard and the distance to the railway station. Moreover, any changes in the provision of carparking spaces due to the change in flat size mix in the detailed design stage would need to be submitted to TD for approval as required under the approval condition.

73. In response to the Chairperson's concern on the tall PSC podium structure adjacent to the landscaped area along Shing Mun River Channel, Mr. Hui explained, with the aid of a perspective drawing, that the detailed design of the PSC podium along the landscaped area was not a vertical wall but would be terraced downward towards the river channel allowing a better integration with the landscaped promenade.

Deliberation Session

74. The Secretary said the development schedule of the proposed development had to further elaborate the details of the scheme such as the location of the residential buildings on top of a 5-level podium and 2-level basements. On the other hand, the Secretary asked why

the approval condition on setback requirement had to be submitted to the satisfaction of the DEP rather than the Director of Planning. Mr. H.M. Wong responded that the setback requirement was part of the noise mitigation measure which allowed the noise standard to be achieved and hence it should be submitted to the satisfaction of the DEP.

75. Regarding the setback requirement, the Secretary suggested adding a separate condition requiring the design of the setback area be submitted to the satisfaction of Director of Planning. Members agreed.

76. In view of the public concern on the provision of a large number of carparking spaces which might result in large podium structure, the Chairperson opined that the number of carparking spaces required should be considered carefully in view of the location of the site at a railway station. The Secretary said that the larger number of carparking spaces proposed might be due to the different flat size mix as a higher carparking ratio was adopted for larger flat size. A Member asked if there would be park and ride facilities within the development which might help justify the larger number of carparking spaces. Mr. Hui replied that there was no park and ride facility but there was a PTI at the ground floor and some commercial floorspace in the proposed development. Moreover, STDC had requested for more carparking spaces at the subject site. The Chairperson concluded and Members agreed that the provision of carparking spaces should be carefully considered should there be further change in the future submission.

77. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.12.2013, 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 and implementation of a revised Master Layout Plan (MLP) including a revised development schedule taking into account the approval conditions as stipulated in conditions (b) to (k) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan to

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

- (c) the design and provision of a riverside promenade of not less than 10m from the lot boundary to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of setbacks at the south-eastern and the south-western corners of the application site to the satisfaction of the Director of Planning or of the TPB;
- (e) the implementation of setback on the MLP and all noise mitigation measures as identified in the Environmental Noise Impact Assessment at Appendix 7 of the Supplementary Planning Statement to the satisfaction of the Director of Environmental Protection or of the TPB;
- (f) the design and provision of vehicular access, pedestrian circulation system (including the dedicated pedestrian link to the Tai Wai Station), car-parking, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the design and provision of the proposed footbridges to connect the application site with Sun Chui Estate and Tai Wai Maintenance Centre site and the provision of footbridge connections to the existing footbridge system above the roundabout of Che Kung Miu Road/Mei Tin Road with direct and convenient access to Mei Tin Road to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of bicycle parking facilities (including temporary bicycle parking during construction stage of the scheme) to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and disposition of the proposed post-secondary college (gross floor area not exceeding 15,000m²) at the development site to the satisfaction of the Secretary for Education or of the TPB;

- (j) the submission of a revised traffic impact assessment and the implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and disposition of building blocks for the proposed development to the satisfaction of the Director of Planning or of the TPB; and
- (l) the submission and implementation of a revised development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.

78. The Committee also agreed to advise the applicant:

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) to consult the Director of Lands on the land grant application;
- (c) to consult the Director of Buildings on the compliance of the proposed development with the Buildings Ordinance;
- (d) to note the Director of Water Supplies' comments that since there were two DN300 WSD sludge pipes across the subject site, a Waterworks Reserve (WWR) was to be created to protect the twin sludge pipe;
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape on large signboards/TV which formed part of the design features in the public piazza and might be placed at the edge of the podium deck. As these signboards/TV might attract attention of passer-by, the applicant should seek advice from relevant/concerned departments for the

possible noise, lighting nuisance, etc on such features in the detailed design;
and

- (f) to consult Sha Tin District Council on the proposed development.

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-KLH/391 Proposed Two Houses
(New Territories Exempted Houses-Small Houses)
in “Agriculture” zone,
Lots 843 S.A and 843 S.B in D.D. 9, Tai Wo Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/391)

Presentation and Question Sessions

79. The Committee noted that the applicant’s representative on 10.12.2009 requested for deferment of the consideration of the application for one month in order to allow time to prepare further information in support of the application.

Deliberation Session

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-KLH/392 Proposed Two Houses
(New Territories Exempted Houses-Small Houses)
in “Agriculture” zone,
Lots 845 S.A, 845 S.B, 846 S.B and 846 S.C in D.D. 9,
Tai Wo Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/392)

Presentation and Question Sessions

81. The Committee noted that the applicant’s representative on 10.12.2009 requested for deferment of the consideration of the application for one month in order to allow time to prepare further information in support of the application.

Deliberation Session

82. 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 and Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/393 Renewal of Planning Approval for Temporary Open Vehicle Park with Ancillary On-site Vehicle Checking under Application No. A/NE-KLH/377 for a Period of 3 Years in “Open Storage” and “Green Belt” zones, Lots 617 S.B RP, 618 S.B RP, 622 S.B RP (part) and 626 RP (part) in D.D. 9, Nam Wa Po, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/393)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of seven previously approved applications. The last application No. A/NE-KLH/377 for the same use submitted by the same applicant was approved with conditions by the Committee on 19.12.2008 for a period up to 31.12.2009. The applicant had complied with all the approval conditions except condition (e) on the implementation of the fire service installations (FSI) proposal;
- (b) renewal of planning approval for temporary open vehicle park with ancillary on-site vehicle checking under Application No. A/NE-KLH/377 for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, Lands D) did not support the renewal of planning permission for a period of 3 years because part of the Lots 622 S.B RP and 626 RP in D.D.9 would be required for the road widening project, “Widening of Tolo Highway/Fanling Highway Phase II” which would commence by early 2011. For the same reason, the Chief Engineer/Major

Works Project Management Office, Highways Department (CE/MWPMO, HyD) only supported the renewal of the planning application for one year, i.e. up to 31.12.2010 and the application should be reviewed thereafter;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open vehicle park with ancillary on-site vehicle checking could be tolerated for a period up to 31.12.2010 based on the assessment in paragraph 12 of the Paper. The temporary open vehicle park with 70% of the site falling within “Open Storage” zone was considered not incompatible with the surrounding areas which were occupied mainly by open storage uses, warehouses and container vehicle parks as well as the on-going drainage improvement works. The temporary use under application had been granted approvals since 1993. Compared with the last application (No. A/NE-KLH/377), the current application was the same as the last application in terms of the applied use, site area/boundary and layout. Since granting the previous approval, there had been no material change in the planning circumstances for the area. The applicant had complied with all the approval conditions of the last previous application No. A/NE-KLH/377, except the approval condition (e) on the implementation of the FSI proposal. The application site fell within the project limit for “Widening of Tolo Highway / Fanling Highway between Island House Interchange and Fanling – Stage 2” and part of the application site would be resumed for the Project. The DLO/TP advised that the tentative handover date would be early 2011. In this regard, should the Committee decide to approve the application, a shorter approval period up to 31.12.2010 and shorter compliance periods were recommended.

84. Members had no question on the application.

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period until 31.12.2010, 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 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) the existing vehicular access, drainage facilities, all existing trees, landscape plantings and proposals of protective measures against pollution or contamination to the water gathering grounds implemented on the site should be maintained at all times during the planning approval period;
- (c) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (e) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if the above planning condition (d) 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; and
- (g) 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.

86. The Committee also agreed to advise the applicant :

- (a) that a shorter approval period was granted as the site would be affected by the project of “Widening of Tolo Highway / Fanling Highway between Island House Interchange and Fanling – Stage 2”;
- (b) that a shorter compliance period was given for compliance with approval condition (d) in order to facilitate monitoring of the situation on site as the applicant had not yet complied with condition on the implementation of the fire service installations proposal of previous application;
- (c) to resolve any land issues relating to the development with the other concerned owner(s) of the application site;
- (d) to apply to the District Lands Officer/Tai Po for Short Term Tenancy and Short Term Waiver to cover the structures on the application site;
- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the conditions in respect of the 120m no blasting limit and the 30m WSD reserve of Tau Pass Culvert as detailed in Appendix V of the RNTPC paper should be observed;
- (g) to note the development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (h) to note the comments of the Director of Fire Services that recommendations regarding the fire service installations proposal as detailed in Appendix VI of the RNTPC paper should be observed;
- (i) to note that the works of Stage 2 of 'Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling' was gazetted on 3.7.2009;
- (j) to note that the development should not obstruct or cause any impediment to the construction of the proposed trunk sewer and the proposed village sewerage works at Nam Wa Po under the project of North District Sewerage Stage 2 Phase 1 as shown on Plan A-2;
- (k) to note that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action had to be taken to effect the removal of all unauthorized works in the future;
- (l) to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site;
- (m) that prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (n) that prior to establishing any structure within the application site, the applicant and his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable

(and/or overhead line) away from the vicinity of the proposed structure;

- (o) that the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and
- (p) to note the requirements of the “Code of Practice on Avoiding Danger From Gas Pipes” and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipe routes/gas installations in the vicinity of the site and the minimum set back distance away from the gas pipelines during design and construction stages of development.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/394 Proposed Five Houses
(New Territories Exempted Houses-Small Houses)
in “Green Belt” zone,
Lots 706 S.A, 706 S.C, 707 S.D, 708 S.B and 708 S.C in D.D. 9,
Yuen Leng Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/394)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the application site entirely fell within the “Green Belt” (“GB”) zone and the village ‘environs’ (‘VE’) of Yuen Leng Village;

- (b) proposed five houses (New Territories Exempted Houses (NTEH)-Small Houses);

- (c) departmental comments – the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the proposed Small Houses were located within the upper indirect water gathering ground (WGG). There was no information indicating that any sewerage system could be extended to cater for the application site. The Director of Environmental Protection (DEP) did not support the application for the same reason. There was no existing nor planned sewerage connection in close proximity to these proposed houses and sewage discharges from the proposed development would potentially cause water pollution to the WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the application site was located within a “GB” zone and was covered with shrubs and grasses with some young trees nearby. There was a stream course in the close vicinity to the west of the application site. Development of Small Houses would cause loss of greenery in “GB” zone. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application as approval of the application would set an undesirable precedent to similar small house applications in the area encouraging urban sprawl and degrading the landscape quality of the “GB”. 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 the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. Although traffic associated with the proposed development was not expected to be significant, such development if permitted would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) had objection to the development of two proposed Houses 4 and 5 in the application as the two houses were along the steep natural hillslopes which might be affected by

potential natural terrain hazards. No Geotechnical Planning Review Report (GPRR) was included in the submission to assess the scale of natural terrain problems and provide mitigation measures;

- (d) one public comment against the application was received during the statutory publication period. The commenter objected to the application because the area was zoned “GB” and there was a lack of village layout plan for the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment in paragraph 12 of the Paper. Although the land available in the concerned “Village Type Development” zone could not fully meet the future Small House demand of Yuen Leng Village, the application site fell within the WGG and did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that the proposed Small Houses could not be connected to the existing or planned sewerage system in the area. It would likely cause adverse impacts on the surrounding areas, in particular the natural stream to the west. Both the CE/Dev (2), WSD and the DEP had adverse comments on this aspect. There were other adverse departmental comments from the DAFC, the CTP/UD&L, the AC for T/NT, TD and the H(GEO), CEDD and public concerns on the application.

88. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that the application site fell entirely outside the

“Village Type Development” zone of Yuen Leng Village and it was uncertain whether the proposed Small Houses could be connected to the planned sewerage system in the area. The proposed development would likely cause adverse water quality impacts on the surrounding areas, in particular the natural stream course to the west of the site; and

- (b) the approval of the application would set an undesirable precedent for other similar applications leading to more Small House applications in the subject “Green Belt” zone. This would degrade the landscape quality of the area.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/400 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 727 in D.D. 10, Ng Tung Chai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/400)

Presentation and Question Sessions

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

- (a) background to the application highlighting that there were two previous applications No. A/NE-LT/395 and 399 for Small House development at the same lot submitted by the same applicant. Both applications were rejected by the Committee on 17.4.2009 and 4.9.2009 respectively as the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories (the Interim Criteria);
- (b) proposed house (New Territories Exempted House (NTEH) - Small

House);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the planning application as the site fell within “Agriculture” (“AGR”) zone and agricultural activities in the area were active. Other concerned Government departments had no objection/adverse comments;
- (d) one public comment was received during the statutory publication period. The commenter objected to the application in general because there was a lack of village layout plan for the area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The current application remained not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, the DAFC did not support the application from agricultural point of view as the agricultural activities in the area were active. Although the application site was entirely within the village ‘environs’ of Ng Tung Chai and the proposed Small House could be connected to the planned sewerage system in the area, it did not meet the interim criteria for consideration of application for NTEH/Small House in the New Territories (“Interim Criteria”) in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Ng Tung Chai. Given that there was a surplus of land for Small House development in the “V” zone of Ng Tung Chai, any proposed Small Houses should be developed within the “V” zone first so as to ensure a more orderly development pattern, efficient use of land and provision of infrastructures and services in the “V” zone;

91. In response to a Member's enquiry, Miss Jessica Lee replied that the fact that there was no shortage of land in meeting the demand for Small House development was one of the reasons for rejection.

Deliberation Session

92. A Member had reservation on PlanD's recommendation of rejecting the case as there was only a slight surplus of land for Small House development within the "V" zone and hence it should be considered as a borderline case. Mr. W.K. Hui responded that PlanD considered that Small House development should be confined within "V" zone if there was still land available in the "V" zone. In response to the Chairperson's enquiry, Miss Jessica Lee replied that land required to meet Small House demand in Ng Tung Chai Village was 1.24ha for 37 Small House sites while land available within the "V" zone was about 1.61 ha which was equivalent to 48 Small House sites. Therefore, there was a surplus of 11 Small House sites.

93. Another Member opined that the surplus sites available within the "V" zone might not belong to the applicant while the subject application site was owned by the applicant. Therefore, sympathetic consideration might be given in view of the limited amount of surplus for Small House development within the "V" zone.

94. In response to the Chairperson's enquiry on the "Interim Criteria" adopted by the Board in the consideration of Small House development, the Secretary explained that the "Interim Criteria" had clearly stated that sympathetic consideration might be given if not less than 50% of the proposed Small House footprint fell within the 'VE' of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. The ownership of land was not a consideration. In the current application, although the footprint of the proposed house was totally within 'VE', there was no shortage of land within the "V" zone and hence PlanD recommended rejection of the case which was in line with the "Interim Criteria".

95. A Member asked why the District Lands Officer (DLO)/Tai Po supported the application. Mr. Simon Yu replied that the DLO would normally support the application relating to Small House if the proposed house was within the 'VE' boundary.

96. The Chairperson concluded and Members agreed that it would be desirable to follow the “Interim Criteria” adopted by the Board to maintain consistency in the consideration of Small House development. If there were special circumstances that warrant a departure from the “Interim Criteria”, the applicant could apply for a review of the planning application.

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

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

[Mr. Timothy K.W. Ma and Mr. H.M. Wong left the meeting at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/294 Proposed Two Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone, Lots 604 S.A & RP in D.D. 28 and
 Adjoining Government Land, Tai Mei Tuk, Tai Po
 (RNTPC Paper No. A/NE-TK/294)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application the NTEH developments should be confined within the “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, such development, if permitted, would set an undesirable precedent for similar application in the future. The resulting cumulative adverse traffic impact could be substantial. No objection/adverse comments from other concerned Government departments were received;
- (d) during the statutory publication period, one public comment from Designing Hong Kong Limited was received. It objected to the application for reason that the area was zoned “Green Belt” (“GB”). No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessment in paragraph 12 of the Paper. The proposed NTEH/Small House development complied with the assessment criteria for NTEH/Small House development in that the site fell entirely within the village 'environs', and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone. The site was located on the fringe of an existing village and village houses were found on the adjacent lots. Given that the site was flat and vacant and the proposed development would not involve clearance of existing vegetation, the proposed Small House developments could be considered in exceptional circumstances and generally met the relevant assessment criteria in the Town Planning Board Guidelines No. 10 for development within "GB" zone. Moreover, the site was the subject of a previously approved application and it was unlikely that the proposed Small House developments would cause further adverse impacts on the surrounding environment.

99. Members had no question on the application.

Deliberation Session

100. 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 18.12.2013, 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 and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

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

101. The Committee also agreed to advise the applicant :

- (a) to consult the Director of Environmental Protection regarding the sewage treatment/disposal method for the proposed development;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no existing public sewerage connection was available. There was no existing public stormwater drains available for connection in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (c) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) to note the Director of Electrical and Mechanical Services' comments in paragraph 8 in Appendix VI of the RNTPC paper; and

- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/295 Proposed House (New Territories Exempted House - Small House)
 in “Agriculture” zone,
 Lot 607 RP in D.D. 15, Shan Liu Village, Tai Po
 (RNTPC Paper No. A/NE-TK/295)

Presentation and Question Sessions

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

- (a) background to the application highlight that the site was the subject of a previous application (No. A/NE-TK/288) for Small House development submitted by the same applicant and rejected by the Committee on 21.8.2009 for reasons of not complying with the Interim Criteria that the proposed development could not be connected to the planned sewerage system in the area; and setting of undesirable precedent.;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was zoned “Agriculture” (“AGR”) and had high potential for agricultural

rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there had been extensive site formation, vegetation clearance and construction of illegal access in the vicinity of the site causing damage to the existing rural landscape character. The approval of the application would set an undesirable precedent to other similar Small House applications degrading the existing landscape quality in the area. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as it would set precedent for similar developments that would result in cumulative adverse traffic impact. Both the Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application provided that the proposed Small House development could be connected to the planned sewerage system and the occupation of the Small House would only take place after the public sewerage system was available in the area. Drainage Services Department (DSD) advised that the proposed Small House was located close to the proposed trunk sewer and could be connected to the planned sewerage system in the area. As regards occupation of the Small House, an advisory clause would be recommended to require the actual construction of the proposed Small House should only begin after the completion of the public sewerage system;

- (d) two public comments were received during the statutory publication period. One of them, which was submitted by the Indigenous Inhabitant Representative of Shan Liu Village, objected to the application on fung shui ground. The other one, submitted by the Designing Hong Kong Limited, objected to the application for reason that the area was zoned “AGR” and the lack of a plan for a sustainable village layout for the area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. The site was located within the upper and lower indirect WGG. In the previous

application No. A/NE-TK/288, the DEP did not support the application as there were uncertainties on whether the proposed Small House could be connected to the planned sewerage system in the area and the potential water quality impact on the WGG. In the subject application, in view of the DSD's advice that the site was located close to the proposed trunk sewers and the proposed Small House was able to be connected to the planned sewerage system within a short distance, both the DEP and the CE/Dev(2), WSD had no objection to the application provided that the occupation of the Small House would only take place after the public sewerage system was available in the area. As such, the proposed Small House development could be considered as complying with the Interim Criteria in that the application site fell entirely within the 'VE', there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Shan Liu Village, and the proposed Small House, located within the WGG, could be connected to the planned sewerage system. In connection with the above, an advisory clause was recommended to be imposed in the planning permission advising the applicant that the actual construction of the proposed Small House should only begin after the completion of the public sewerage system. Although the AC for T/NT, TD had reservation on the application, and the DAFC and the CTP/UD&L of PlanD did not support the application, sympathetic consideration might be given as the site was currently an abandoned field and located entirely within the 'VE' of Shan Liu Village and there was a general shortage of land in meeting the Small House demand. To address the departments' concerns, approval condition on submission and implementation of landscape proposal was recommended to be imposed in the planning permission.

103. Members had no question on the application.

Deliberation Session

104. 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 18.12.2013, 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 provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

105. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) that the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage Stage 1 – Remaining Works” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;

- (d) that the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments from Drainage Services Department, Water Supplies Department and Electrical and Mechanical Services Department in paragraphs 4, 5 and 9 respectively in Appendix V of the RNTPC paper; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/296 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 687 S.F ss.2 & ss.3 in D.D. 29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/296)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed house (New Territories Exempted House (NTEH) - Small House)
- (c) departmental comments – although the site was not within the village ‘environs’ (‘VE’) of any recognised villages, the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) had no objection to the application as more than 50% of the proposed Small House fell within the “Village Type Development” (“V”) zone which encircled the ‘VE’ of a recognised village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was zoned “Agriculture” and had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application and pointed out that there was no information provided to demonstrate that the tree group would not be affected by the construction of access and no mitigation measures were proposed to minimise the disturbance to the vegetation arising from the construction works;
- (d) one public comment was received during the statutory publication period. It was submitted by the Designing Hong Kong Limited objecting to the application for reason that the area was zoned “AGR” and there was no sustainable village layout plan for the area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessment in paragraph 11 of the Paper. Although the DAFC did not support the application from agricultural point of view and the CTP/UD&L, PlanD had reservation on the application from landscape planning point of view, the proposed Small House was not incompatible with the existing village setting with village houses found to the south of the site. The proposed Small House development complied with the assessment criteria for NTEH/Small House development in that more than 50% of the footprint of the proposed Small House fell within the “V” zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the concerned village.

107. Members had no question on the application.

Deliberation Session

108. 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 18.12.2013, 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 and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

109. The Committee also agreed to advise the applicant :

- (a) to consult the Director of Environmental Protection regarding the sewage treatment/disposal method for the proposed development;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no existing public sewerage connection was available. There was no existing public stormwater drains available for connection in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found

to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (c) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) to note the Director of Electrical and Mechanical Services' comments in para. 7 of Appendix IV of the RNTPC paper;
- (e) to note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant was reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (f) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/441 Temporary Public Vehicle Park (Excluding Container Vehicle)
(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 Blocks, Tai Wo Estate,
No. 12 Tai Po Tai Wo Road, Tai Po
(RNTPC Paper No. A/TP/441)

110. The Committee noted that there was a replacement page to correct the approval condition of the application.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents) for a period of 3 years;
- (c) departmental comments – Government departments had no objection/adverse comments on the application;
- (d) 3 public comments were received during the statutory publication period objecting to the application. The commenters opined that the proposal would affect the interests of the residents in Tai Wo Estate. There would be insufficient car parking spaces serving the needs of the residents. The car parking spaces in Tai Wo Estate should be used by the residents. Surplus car parking spaces should be reserved for hourly parking purpose to be used by the visitors. The District Officer/Tai Po had conducted local

consultation in early October on whether or not to permit the letting of surplus car parking spaces in Tai Wo Estate to non-residents/non-occupiers. 2 Tai Po District Council (TPDC) members (Mr. WONG Yung-kan and Mr. CHENG Chun-wo) and the Chairlady of the IO of Tai Wo Estate were consulted. While a TPDC member Mr. CHENG Chun-wo supported the proposal, another TPDC member Mr. WONG Yung-kan and the Chairlady of the IO of Tai Wo Estate raised objections on the grounds that there might be insufficient car parking spaces to cater for the needs of the residents of Tai Wo Estate; 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 proposal did not involve any new development or redevelopment of the application site. The applicant indicated that the residents of Tai Wo 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 Tai Wo Estate would not be compromised. As there was no increase in the total number of car parking spaces at the estate, the proposed conversion of ancillary car parking spaces to public vehicle park would not generate additional traffic flow nor worsen the environmental conditions in the area. Concerned Government departments, including the Assistant Commissioner for Transport/NT, Transport Department (AC for T/NT, TD) and the Director of Environmental Protection (DEP) had no objection to the application. The proposed tenure of 3 years of the planning permission under 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. There were some local views and public comments received objecting to the proposal. To avoid depriving the right of the residents of Tai Wo Estate and to address the AC for T/NT, TD's concern on motorcycle parking spaces, an approval condition requiring that the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport was recommended.

112. Noting that there was a public comment suggesting the use of surplus carparking spaces for visitors, a Member enquired about the number of carparking space reserved for visitors. Mr. W.K. Hui, DPO/STN replied that he had no information on the carparking spaces for visitors but the figures provided by the applicant indicated that there was a surplus of 74 carparking spaces. The same Member said that if the surplus carparking spaces were rented out to non-residents, there would not be carparking space for visitor. This Member suggested that the approval condition be revised to request TD to ensure sufficient carparking space be reserved for visitors before letting them out to non-residents. The Committee agreed.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that priority should be accorded to the residents and visitors of Tai Wo 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.

114. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site; and
- (b) to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. 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 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.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members’ enquires. Mr. Hui, Ms. Ting and Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/172 Proposed Institutional Use (Community and Recreation Centre)
in “Village Type Development” zone,
Wong Uk Tsun Lots 103 and 104, Lots 195 S.E (Part),
197, 198, 201 (Part), 203 (Part) and 205 (Part) in D.D. 115 and
Adjoining Government Land, Tai Wai Tsuen, Shap Pat Heung,
Yuen Long (Ex-Ng Wo School)
(RNTPC Paper No. A/YL/172)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed institutional use (community and recreation centre);
- (c) departmental comments – no objection/adverse comments were received from concerned Government departments;
- (d) during the statutory publication period, four public comments from villagers of Ng Wo Villages (Tai Wai Tsuen, Wong Uk Tsuen, Ying Lung Wai, Tsoi Uk Tsuen and Tung Tau Tsuen) were received. A villager highly supported the application because the vacant school premises could be reused for providing activities without religious and political background for the local residents. He also suggested letting the Village Representatives of Ng Wo Villages participate in supervising the utilisation of the proposed community and recreation centre. Four residents of Ying Lung Wai and a group of 43 indigenous villagers of Ng Wo Villages submitted two comments strongly objecting to the application mainly on the grounds that the proposed uses would generate noise nuisances, adverse

traffic and drainage impacts, and worsen public order and sanitary condition of the village environment. They were also concerned about having non-indigenous villagers changing the traditional way of life. A land owner of part of the site objected to the application as he intended to repossess his own land. No local objection/view was received by the District Officer (Yuen Long); 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. Although land within the “Village Type Development” zone was primarily intended for development of Small Houses by indigenous villagers, there was no Small House application at the private lots of the site as advised by the District Lands Officer/Yuen Long (DLO/YL). The proposed community and recreation centre would be accommodated within the existing vacated school premises, providing cultural and recreational activities for the community. It was considered not incompatible with the surrounding residential uses which consisted of low-rise village houses. It also enabled the use of the existing vacant school premises for community purpose. As the proposed development did not involve alteration or extension of the existing buildings and no tree would be felled, no significant adverse landscape impact would be expected. There would not be significant adverse environmental, drainage and traffic impacts on the surrounding area. In view of the local objections, the applicant should be advised to approach the local villagers and residents explaining the proposed development and addressing the objectors' concerns. As regards the objection from a land owner, an advisory clause was recommended reminding the applicant to resolve any land issues relating to the development with the concerned owner(s) of the application site.

116. In response to a Member's enquiry, Mr. W.M. Lam said that the planning permission granted would be on a permanent basis as the applicant had not indicated any time frame for the planning application. According to the DLO/YL, a short term tenancy or waiver would be granted for the applied use should the application be approved.

Deliberation Session

117. Noting the land owner indicated in the public comments received that he would like to repossess his land, the same Member opined that a permanent planning permission might affect the right of the land owner. The Chairperson suggested and the Committee agreed that a temporary approval of five years might be reasonable in view of the time required for the implementation of the applied use.

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 18.12.2014, 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 vegetation on-site to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of fire service installations before occupation of the development to the satisfaction of the Director of Fire Services or of the TPB;
- (c) 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
- (d) if the above planning condition (b) was not complied with before the occupation of the development, the approval hereby given should cease to have effect and should on the same day be revoked without further notice.

119. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that if the application was approved, the applicant should

approach his office to apply for a Short Term Tenancy in accordance with the approved planning scheme for Government land involved and to obtain the authorization and consent from the respective lot owner(s) for private lots and apply for Short Term Waiver(s) if there was any breach of the Government lease;

- (c) to note the Director of Fire Services comments that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (d) to approach the villagers/residents of Ng Wo Villages, together with Village Representatives of Ng Wo villages, to further explain the proposed development and address their concerns.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/193 Renewal of Planning Approval for Temporary Open Public Vehicle Park (Private Car Only) under Application No. A/TM-LTY Y/177 for a Period of 2 Years in “Residential (Group C)” zone, Lots 1141RP(Part), 1142S.A RP, 1143RP(Part), 1147RP(Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/193)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was currently operated as a temporary open public vehicle park under Application No. A/TM-LTY Y/177, with validity up to 9.1.2010. The approval conditions of

the last application relating to the submission and provision of fire services installations had been complied with by the applicant. The applicant applied the same use as the previously approved application No. A/TM-LTY Y/177 which was a renewal application of Application No. A/TM-LTY Y/146;

- (b) renewal of planning approval for temporary open public vehicle park (private car only) under Application No. A/TM-LTY Y/177 for a period of 2 years;
- (c) departmental comments – no objection/adverse comments from concerned Government departments were received;
- (d) during the statutory publication period, two public comments were received. The first comment was from a resident of Botania Villa who did not agree with the renewal of the application based on the grounds that there were no community facilities such as community hall, indoor recreation centre, badminton court or mobile library in the vicinity including Nai Wai, Lam Tei and Chung Uk Tsuen. Also Fuk Hang Tsuen Road had not been widened to cope with the increased traffic volume. If it was not going to be widened, the number of cars should be reduced. The second comment was from the village representative of Lam Tei Tsuen. The commenter strongly objected the application on the grounds that there were only a small number of private cars parked in the vehicle park, the majority of the vehicles parked there were coaches and heavy vehicles. The frequent traffic was a hazard to users of surrounding roads, and the exhaust fumes from these vehicles would seriously affect the health of nearby villagers. He hoped the Town Planning Board could change the site to other uses, especially for facilities that could improve the quality of life of nearby villagers. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application for renewal of the planning permission for a period of 2 years could be tolerated based on the assessment in paragraph 12 of the Paper.

The current application for renewal was generally in line with the Town Planning Board Guidelines No. 34A on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34A) in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/TM-LTYT/177. The approval conditions of the previous approval, including those related to the provision of 2.5m tall solid wall, fire services installations, drainage facilities and landscaping plantings, and the implementation of layout plan and vehicular access arrangement, had been complied with. The 2-year approval period did not exceed the original validity period of the application of Application No. A/TM-LTYT/146 of 2 years. All the relevant Government departments consulted had no adverse comment on the application. To address the technical concerns raised by Government departments, relevant approval conditions were recommended. There were two public objections to the application on the grounds of traffic congestion on Fuk Hang Tsuen Road, hazard to other road users, air pollution from fumes produced by vehicles and a lack of community facilities in the vicinity of the Lam Tei area. Transport Department and Environmental Protection Department had no adverse comments on the application.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 18.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling, repairing, cleaning of vehicles or other workshop activities were allowed on the site at any time during the planning approval period;

- (c) no goods vehicles exceeding 5.5 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the existing 2.5m tall solid wall at the northern and western boundary on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (h) the carpark layout and vehicular access arrangement accepted by the Commissioner for Transport should be maintained at all times during the planning approval period;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked

immediately without further notice;

- (l) if any of the above conditions (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.

123. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned land owners;
- (b) to note the District Lands Officer/Tuen Mun's comments that the applicant should apply to his office for Short Term Waivers to regularise the structures erected on the site as well as Short Term Tenancy to legalise the occupation on Government land;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission by an authorized person for the proposed development was required under the BO. The applicant should also note the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the site;
- (d) to note the Director of Fire Services' comments on the requirements of formulating the FSI proposals;

- (e) to note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the site was next to an archaeological excavation for construction of Kong Sham Western Highway. Architectural features and artifacts of the Qing Dynasty were discovered. As the site was of archaeological potential, no excavation should be undertaken without his prior written approval; and
- (f) to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM/393 Shop and Services (Fast Food Shop and Real Estate Agency)
in "Industrial" zone,
Unit 1A, G/F, Hang Wai Industrial Centre, 6 Kin Tai Street, Tuen Mun
(RNTPC Paper No. A/TM/393)

Presentation and Question Sessions

124. The Committee noted that the applicant on 11.12.2009 requested for deferment of the consideration of the application until 15.1.2010 in order to allow time to submit further information to address Buildings Department's comments.

Deliberation Session

125. 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/380 Temporary Public Vehicle Park (Excluding Container Vehicle)
for a Period of 3 Years in “Undetermined” zone,
Lots 250 S.B RP (Part), 252 RP (Part), 271, 272, 273,
274, 275, 276 S.B ss.1 and 279 S.B RP (Part) in D.D. 99 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/380)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of two previously approved applications No. A/YL-ST/202 and 314 for temporary public vehicle park;
- (b) temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection advised that no pollution complaint against the site had been recorded since 2006. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park (excluding container vehicle) could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The temporary public vehicle park was located near the Lok Ma Chau Control Point and could satisfy some of the parking demand for cross-boundary travellers. Concerned Government departments had no adverse comment on the application. Adverse environmental, traffic and infrastructural impacts were not anticipated on the surrounding areas. The application therefore complied with the Town Planning Board (TPB) Guidelines No. 13E. The public vehicle park on-site was not incompatible with the surrounding land uses which comprised mainly vehicle parks (including container vehicle parks) and unused land. Although the site was located within the Wetland Buffer Area as defined under TPB Guidelines No. 12B, the Director of Agriculture, Fisheries and Conservation had no comment on the application on the understanding that this was an application for continuation of the use which was already in existence and temporary in nature. To minimize potential environmental impact from the development on the surrounding areas, approval conditions restricting the types of vehicles and activities on-site as well as requiring maintenance of paving and boundary fencing were recommended. Other approval conditions were also recommended to address the technical concerns of Government departments.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the

planning approval period;

- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (f) the drainage facilities on the site 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 18.6.2010;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (i) in relation to (h), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (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.

129. The Committee also agreed to advise the applicant :

- (a) that planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the District Lands Officer/Yuen Long's comments that the lots within the application site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office; the Government Land (GL) within the site was also occupied without approval from his Office. He reserved the right to take land control action against the irregularities, if indeed found in due course; Modification of Tenancy (MOT) No. M19780 was issued for erection of structures over Lots 271, 272 and 273 in D.D. 99 for private residential and agricultural purposes. If structures of else

purpose were found on the said lots, his Office would arrange to terminate the MOT as appropriate; the occupier of the GL concerned should apply to his Office for a Short Term Tenancy (STT) to regularize the irregularities on-site. Notwithstanding, his Office did not guarantee permission would be given. Should no STT application be received/approved and the irregularities persisted on-site, his Office would consider taking appropriate land control action against the occupier according to the prevailing programme of his Office in this regard. The ingress/egress of the site did not abut Lok Ma Chau Road. A short track which ran through a piece of open GL without maintenance works to be carried out thereon by his Office provided accessibility to the site. His Office did not guarantee right-of-way;

- (e) to note the Drainage Services Department's detailed comments were indicated in Appendix IV of the RNTPC paper;
- (f) to note the Fire Services Department's comments that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating FSI proposal for the proposed structures, the applicant was advised to make reference to the requirement that portable hand-operated approved appliance should be provided for the shroff;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting and accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning)

Regulation 19(3) during building plan submission stage; and

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/381 Temporary Tyre Repair Workshop with Ancillary 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/381)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of three previous applications (No. A/YL-ST/166, 178 and 220) mainly for container tractor/trailer park. All these applications were rejected by the Committee or the Town Planning Board (TPB) in 2001 or 2003. Within the same "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone on the OZP, there were eight similar applications for tyre/vehicle repair workshop and all of them were rejected by the Committee;

- (b) temporary tyre repair workshop with ancillary site office for a period of 3 years;

- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the site formation level would obstruct overland flow from the adjacent area. Therefore, the applicant was required to submit a drainage proposal to substantiate that the filling would not impede to the overland flow and would not adversely affect the existing drainage systems in the vicinity. Moreover, he also had concerns on the potential adverse drainage impact caused by the ramp connecting the existing track leading to Castle Peak Road and the pipe culvert which replaced a section of an existing streamcourse. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was considered not compatible with the planned landscape environment which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Besides, the existing development had degraded the existing landscape environment and the continual existence of the similar development would continue the adverse impact to the baseline landscape setting. There was also insufficient landscape measures to mitigate the landscape impacts caused by the proposed development. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site fell within the Wetland Buffer Area (WBA) and was in close proximity to the fishponds within Wetland Conservation Area (WCA) in the northwest and east sides of the site. However, there was no information in the submission to demonstrate that the proposal would not have adverse disturbance impacts on the fishponds within the WCA. According to the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ (COP), the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that the road width of the access road leading to Castle Peak

Road might not be adequate for manoeuvring of container vehicles. The applicant was requested to 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, one public comment was received. The public comment was submitted by a Tso Tong. The comment stated that the Tso Tong was one of the landowners of Lot 769 in D.D. 99. The Tso Tong had received complaints from their descendents that the existing track was overloaded due to traffic generated by nearby container yards, and asked the TPB to withhold granting approval to the application until they had resolved the problems. The District Officer (Yuen Long) had received one written representation which was the same as the one received by the TPB; 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. Approval of the current application for tyre repair workshop would inevitably render it difficult to realize the planning intention to restore degraded wetlands adjoining existing fish ponds. The DAFC did not support the application as the site was very close to the WCA and there was no information in the submission to demonstrate that the proposal would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the WCA. The application was not in line with the TPB Guidelines No. 13E in that no previous planning approval for a similar use had been given to the site. In addition to the adverse comment of the DAFC, there were adverse comments from Government departments on traffic, environmental, drainage and landscape aspects.

131. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “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 (TPB) 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 TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there were adverse developmental comments and the applicant failed to demonstrate that the development would not have adverse ecological, environmental, traffic, drainage and landscape impacts on the surrounding areas.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/382 Temporary Container Vehicle Park 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/382)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site (in whole or in part) was the subject of three previous applications (No. A/YL-ST/166, 178 and 220) mainly for container tractor/trailer park. All these applications were rejected by the Committee or the Town Planning Board (TPB) in 2001 or 2003. As compared with the last relevant Application No. A/YL-ST/178 (rejected by RNTPC in 2001), the current application was submitted by a different applicant for same use on a site with a much smaller area (-28,153m²);
- (b) temporary container vehicle park for a period of 3 years;
- (c) departmental comments – the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the site formation level would obstruct overland flow from the adjacent area. Therefore, the applicant was required to submit a drainage proposal to substantiate that the filling would not impede to the overland flow and would not adversely affect the existing drainage systems in the vicinity. Moreover, he also had concerns on the potential adverse drainage impact caused by the ramp connecting the existing track leading to Castle Peak Road and the pipe culvert which replaced a section of an existing streamcourse. The Chief

Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was considered not compatible with the planned landscape environment which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Besides, the existing development had degraded the existing landscape environment and the continual existence of the similar development would continue the adverse impact to the baseline landscape setting. There was also insufficient landscape measures to mitigate the landscape impacts caused by the proposed development. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site fell within the Wetland Buffer Area (WBA) and was in close proximity to the fishponds within Wetland Conservation Area (WCA) in the northwest and east sides of the site. However, there was no information in the submission to demonstrate that the proposal would not have adverse disturbance impacts on the fishponds within the WCA. According to the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' (COP), the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that the road width of the access road leading to Castle Peak Road might not be adequate for maneuvering of container vehicles. The applicant was requested to submit a properly prepared swept path analysis with clear indication of the actual road width at critical locations and sharp turning movement;

- (d) one public comment was received during the statutory publication period. The public comment was submitted by a Tso Tong. The comment stated that the Tso Tong was one of the landowners of Lot 769 in D.D. 99. The Tso Tong had received complaints from their descendents that the existing track was overloaded due to traffic generated by nearby container yards, and asked TPB to withhold granting approval to the application until they had resolved the problems. The District Officer (Yuen Long) had received

one written representation which was the same as the one received by TPB;
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 “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“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. Approval of the current application for container vehicle park would inevitably render it difficult to realize the planning intention to restore degraded wetlands adjoining existing fish ponds. The DAFC did not support the application as the site was very close to the WCA and there was no information in the submission to demonstrate that the proposal would not have adverse disturbance impacts on the ecological integrity and ecological value of the fish ponds within the WCA. The application was not in line with the TPB Guidelines No. 13E in that no previous planning approval for a similar use had been given to the site. In addition to the adverse comment of the DAFC, there were adverse comments from Government departments on traffic, environmental, drainage and landscape aspects.

134. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “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 (TPB) 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 TPB 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, traffic, drainage and landscape impacts on the surrounding areas.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/197 Temporary Open Storage of Containers with Ancillary Office and Ancillary Container Repair Workshop for a Period of 3 Years in “Residential (Group E)” zone, Lots No. 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A (Part), 2314 RP (Part), 2317 (Part), 2318, 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348 (Part), 2349 (Part), 2352 (Part) and 2353 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/197)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the last application of A/YL-LFS/188 for renewal of planning approval for temporary open storage of containers and construction materials with ancillary visitor/trailer parking and office on a much larger site was approved with conditions by the Committee on 23.1.2009. However, the permission of the application was revoked on 2.10.2009 due to the non-compliance with the approval condition on stacking height of containers. The site was currently being used for the applied use without valid planning permission;
- (b) temporary open storage of containers with ancillary office and ancillary container repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that the proposed noise mitigation measures at the site addressed the environmental impact close to the site. However, they failed to address environmental nuisance to the sensitive receivers along Lau Fau Shan Road. Therefore, she did not support the application. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of containers with ancillary office and ancillary container repair workshop could be tolerated for a period of 1 year. Although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone which was to phase out the existing industrial uses through redevelopment for residential use, there was no

immediate development proposal for the site and the applied use could be tolerated in the interim. The development was not incompatible with the general character of the area which was predominantly occupied by vehicle parks, workshops and open storage yards apart from a few residential dwellings. To mitigate any potential environmental impacts, relevant approval conditions had been proposed. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no adverse comment from concerned Government departments, The Committee had approved 7 previous applications for similar open storage uses at the site. Due to the demand for open storage and port back-up uses in the area, the Committee had also approved a number of similar applications within the same "R(E)" zone. Since granting these previous and similar approvals, there had been no material change in the planning circumstances in the surrounding area. Approval of the subject application was in line with the Committee's previous decisions. The last application No. A/YL-LFS/188, submitted by a different applicant on a larger site and for a broader open storage use, was the subject of a number of public complaints on the stacking height of containers exceeding 4 units. The 4-unit restriction on the stacking height of containers was first proposed by the former applicant under Application No. A/YL-LFS/126 to address safety concerns raised by neighbouring residents, and to reduce the scale of container storage on-site in order to solicit the Board's planning approval. In this regard, the Commissioner for Labour advised that a risk assessment should be carried out to identify the hazards relating to the stacking height of containers and the corresponding safety measures to minimize the risk(s). It was noted that the applicant had not provided such risk assessment or any justification for the proposed 7-unit stacking height of containers within the site. As such safety concerns remained, PlanD had reservation on the present applicant's proposed 7-unit stacking height of containers within the site and recommended that the 4-unit restriction as imposed under the last approval should be maintained as suggested in the approval conditions. The

last approval was revoked due to non-compliance with the approval condition on stacking height of containers, a shorter approval period of 1 year and shorter compliance periods were therefore proposed to monitor the compliance.

137. Members had no question on the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 18.12.2010, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 4 units during the planning approval period;
- (e) other than ancillary container repair workshop as applied for, no recycling, cleansing, dismantling, repairing or other workshop activity, as proposed by the applicant, was permitted on the site during the planning approval period;
- (f) no logistics/freight-forwarding operation, as proposed by the applicant, was permitted on the site during the planning approval period;

- (g) restriction of vehicle speed within the site to 15kph, as proposed by the applicant, at all times during the planning approval period;
- (h) the paving of the local access road within the site should be maintained at all times during the planning approval period;
- (i) no storage of materials or dumping of debris was allowed within 1m of any tree on the site during the planning approval period;
- (j) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (k) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;
- (l) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (m) in relation to (l) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (n) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (o) in relation to (n) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (p) the erection of 2.5m high modified boundary fencing at the western side of

the loading/unloading area, and 6.8m high noise barrier or structures at the boundary fencing with material providing at least 10kg/m² of surface density, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 18.3.2010;

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

139. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the development on the site;
- (b) to note that a shorter approval period of 1 year and shorter compliance periods were granted in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office reserved the right to take enforcement/control action against the unauthorized structures (including converted containers) within the site, the 2.5m high solid boundary wall erected on Government land (GL), and under the conditions of Letter of Approval No. M 22783 and Modification of Tenancy No. MT/M 14279. The occupier of the GL and the registered owner of the lots concerned should apply to his office for Short Term Tenancy/Waiver (STT/STW) to regularize the irregularities on-site. Should no STT/STW application be received/approved and the irregularities persisted on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner; his office did not guarantee right-of-way to the site from Lau Fau Shan Road via other private land;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the 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 and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the RNTPC paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as office were considered to be temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission under the BO was required for any proposed new works, including any temporary structure; if the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and provision of Emergency Vehicular Access was applicable under B(P)R 41D;

- (i) to note the comments of the Chief Engineer/ Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the comments of the Commissioner for Labour to take into account the Code of Practice on Mechanical Handling Safety in Container Yards issued by his Department to administer a safe system of work on container stacking which should include carrying out a risk assessment in which the hazards relating to the stacking height of containers could be identified and then corresponding safety measures should be adopted to minimize the risk(s) if any. Section 6A of the Factories and Industrial Undertakings Ordinance required the applicant to provide a safe system of work that was, so far as was reasonably practicable, safe and without risks to health to his employees.

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-LFS/198 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot No. 1135 S.C in D.D.129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/198)

Presentation and Question Sessions

140. The Committee noted that the applicant on 2.12.2009 requested for deferment of the consideration of the application for three months in order to allow time to prepare further information.

Deliberation Session

141. 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, instead of three months sought, 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/187 Temporary Storage of Gas Pipes and Associated Fittings
for a Period of 1 Year
in “Other Specified Uses” annotated “Comprehensive Development to
include Wetland Restoration Area” zone,
Lot 3723 S.E RP in D.D. 104, Kam Pok Road, Tai Sang Wai,
Yuen Long
(RNTPC Paper No. A/YL-NSW/187)

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

Presentation and Question Sessions

143. The Committee noted that the applicant’s representative on 17.12.2009 requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address outstanding issues of the application and for the applicant to seek legal advice.

Deliberation Session

144. 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 36

Section 16 Application

[Open Meeting]

A/YL-NSW/188 Proposed Four Houses (New Territories Exempted Houses)
in “Undetermined” zone,
Lot 757 in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/188)

145. The Secretary reported that Dr. James C.W. Lau had declared an interest under this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants of this application. As the applicant requested to defer consideration of the application, Members agreed that Mr. Lau was allowed to stay in the meeting.

Presentation and Question Sessions

146. The Committee noted that the applicant’s representative on 7.12.2009 requested for deferment of the consideration of the application for one month to allow time to prepare a revised noise impact assessment and a revised air quality impact assessment to address the comments from Environmental Protection Department.

Deliberation Session

147. 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, instead of one month requested, 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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/193 Renewal of Planning Approval for Temporary Eating Place
(Restaurant) under Application No. A/YL-NSW/174
for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive Development to
include Wetland Restoration Area” zone,
Lots No. 3719 S.G ss. 9 RP (Part) and
3719 S.G ss.10 (Part) in D.D. 104, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/193)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the applicant sought renewal of planning permission under previous planning application No. A/YL-NSW/174 for a temporary restaurant for a period of 3 years. All approval conditions under the previously approved application had been complied with. The site was currently used for the applied use with valid planning permission;
- (b) renewal of planning approval for temporary eating place (restaurant) under Application No. A/YL-NSW/174 for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection/adverse comments;
- (d) one public comment was received during the statutory publication period. The comment was submitted by Fairview Park Property Management Limited who objected to the restaurant on the grounds that it would increase traffic in the local traffic network especially Fairview Park

Boulevard and its junction with Man Yuen Road causing noise nuisance, road safety problem, traffic congestion and chaos at the entrance gate of Fairview Park Boulevard, and pollute Fairview Park River by the sewage discharge from the restaurant. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the renewal of planning approval for temporary eating place (restaurant) under application No. A/YL-NSW/174 could be tolerated for a further period of 3 years. There had been no material change in planning circumstances since the last approval by the Committee in 2007. The site was zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) and there had been no residential development proposal received for the site or in the vicinity nor approved by the Committee. Hence, approval of the application on a temporary basis for another 3 years would not frustrate the planning intention of the area. All the planning conditions under the previous approval had been complied with. The development was considered not incompatible with the surrounding land uses of residential developments as well as the commercial/residential developments along Fairview Park Boulevard. According to the Town Planning Board Guideline No. 12B, the site fell within the Wetland Buffer Area. Since the applied use was only temporary in nature, the requirement of ecological impact assessment could be exempted. However, the applicant would still need to ensure that no off-site disturbance impact on the ecological value of fish ponds will be generated by the applied use. In this regard, as the site was located at a significant distance from the fish ponds and wetlands in the Deep Bay area, the envisaged off-site impacts on the wetlands and fish ponds would be insignificant. The Director of Agriculture, Fisheries and Conservation had no adverse comments on the application. In view of the nature and small scale of the restaurant, it would unlikely cause adverse environmental, drainage and landscape impacts on the area. In this regard, there were no adverse comments from the concerned departments. One public comment had been received objecting to the application mainly on traffic and sewage

grounds. Regarding the traffic aspect, the advisory clause to advise the applicant to seek owners' consent on the use of Man Yuen Road and Fairview Park Boulevard was recommended. Regarding the sewage aspect, an advisory clause to remind the applicant of his obligation under the Water Pollution Control Ordinance (WPCO) and the effluent from the operation should meet the WPCO requirements prior to discharge was recommended.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (b) in relation to (a) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2010;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.6.2010;
- (d) in relation to (c) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.9.2010;
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the above specified date, the approval hereby given should cease to

have effect and should on the same date be revoked without further notice;
and

- (f) 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.

151. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to be aware of the obligation under the Water Pollution Control Ordinance and that the effluent from the operation should meet the Water Pollution Control Ordinance requirements prior to discharge;
- (c) to follow the environmental mitigation measures as recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the potential environmental impacts on the adjacent area;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was within Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. A Short Term Waiver No. 2568 had been issued on Lots 3719 S.G ss.9 RP and 3719 S.G ss.10 in D.D. 104 for erecting structures for restaurant purpose with permitted total site coverage equivalent to 556.81 m², whereas Building Licence (BL) No. 3636 had been issued on Lot 3719 S.G ss.10 in D.D. 104 for the erection of a 3-storey NTEH for non-industrial purpose with permitted total gross floor area equivalent to 195.09m². His office reserved the right to take enforcement action against any irregularity, if indeed found in due course. Also the site was accessible through an informal village track straddling on

Government land and private land which eventually led to Fairview Park Boulevard. His office did not provide maintenance service to the track nor guarantee right-of-way;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that both Man Yuen Road and Fairview Park Boulevard were private roads and therefore the right-of-way was not guaranteed. The applicant should obtain written consents from the owners of the two private roads for using the two private roads during the planning permission period;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Office was not responsible for the maintenance of any existing vehicular access connecting the site and Fairview Park Boulevard. The maintenance party of this access should be identified and comment from the maintenance party should be sought;
- (g) to note the comments of the Director of Fire Services that should the applicant wish to apply for exemption from the provision of certain fire service installations as mentioned at Appendix IV of the RNTPC Paper, the applicant should provide justifications to his Department for consideration; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance.

Agenda Item 38

Section 16 Application

[Open Meeting]

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

Presentation and Question Sessions

152. The Committee noted that the applicant on 25.11.2009 requested for deferment of the consideration of the application for two months in order to allow time for departmental comments on his revised drainage impact assessment, and to allow him to respond to Fire Services Department’s technical comments.

Deliberation Session

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

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-HT/636

Proposed Temporary Logistic Transport Transit Centre with Ancillary Vehicle Parking Facilities for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 51 (Part), 54 (Part), 55-58, 60-67, 71, 140 (Part), 141 (Part), 143 (Part), 144-146, 148 (Part), 149 (Part), 150 (Part), 151, 152 (Part) and 157 (Part) in D.D. 125, Lots 3213 RP (Part), 3219 (Part), 3220, 3221 S.A (Part), 3221 S.B, 3222, 3223, 3224 (Part), 3225 S.A (Part), 3225 S.B (Part), 3226-3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/636)

Presentation and Question Sessions

154. The Committee noted that the applicant on 2.12.2009 requested for deferment of the consideration of the application for two months in order to allow time to address the comments from the Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape, Planning Department.

Deliberation Session

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/655 Temporary Vehicle Repair Workshop (for Light Goods Vehicles,
Medium Goods Vehicles and Container Vehicles)
for a Period of 3 Years
in “Village Type Development” and “Open Space” zones,
Lots No. 352 RP (Part), 353 (Part), 354 (Part) and
356 (Part) in D.D. 124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/655)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was involved in 5 previously approved applications for the same use by the same applicant. The last Application No. A/YL-HT/592 was approved by the Committee on 13.2.2009 for a period of 2 years in order to allow time for the applicant to relocate the current use on the “Village Type Development” (“V”) portion of the site to other suitable location. The applicant had complied with the approval conditions on the submission of drainage proposals, and the provision of drainage facilities. The permission was however revoked on 13.8.2009 due to non-compliance with approval conditions on the submission of run-in and fire service installations (FSIs) proposals. The site was currently used for the applied use without valid planning permission;
- (b) temporary vehicle repair workshop (for light goods vehicles, medium goods vehicles and container vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the

vicinity of the site and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment in paragraph 11 of the Paper. The applied use was not in line with the planning intentions of the “Open Space” and “V” zones which were to provide outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public, and to designate both existing recognized villages and areas of land considered suitable for village expansion respectively. In this regard, the applicant had not provided any justification in the submission for a departure from such planning intention. Although there was no immediate development proposal for the site, a total of 4 small house developments about 10m to 30m away from the site had recently been approved. Continued approval of the application on a temporary basis would therefore result in interface problems thereby frustrating the long-term planning intention of the “V” zone on the Outline Zoning Plan. Besides, the applied use would attract container vehicles to the site and the access route to the site passed through the “V” zone, it should therefore be phased out despite the 5 previously approved planning applications. The last application No. A/YL-HT/592 was approved by the Committee on 13.2.2009 for a period of 2 years to allow the applicant time to identify suitable sites to relocate the current use on the “V” portion of the site to other suitable location. The applicant had not demonstrated effort to relocate, nor provided information on why relocation to an alternative site could not be made. Although the applied use was not incompatible with the surrounding open storage yards, workshops and vehicle parks, it was incompatible with the village settlements of Shek Po Tsuen. In this regard, the DEP did not support the application.

157. In response to the Chairperson's enquiry, Mr. Lee responded that under the last approved application No. A/YL-HT/592, the applicant had been advised to identify suitable sites to relocate the current use on the "V" portion of the site to other suitable location.

Deliberation Session

158. 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 "Open Space" zone which was to provide outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) continuous occupation of the site for the applied use was not in line with, and would frustrate the planning intention of the "Village Type Development" zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion;
- (c) the development was not compatible with the nearby village settlements, and the development would have adverse environmental impacts on the surrounding areas; and
- (d) the Committee had granted a 2-year permission under the previously approved application No. A/YL-HT/592 for the applicant to relocate the current use on the site to other suitable location, and a total of 10 months had lapsed. The applicant had not demonstrated effort to relocate nor provided information on why relocation to an alternative site could not be made.

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-HT/656 Temporary Open Storage of Recyclable Materials including Metal and Plastic with Ancillary Workshop for a Period of 1 Year in “Green Belt” zone,
Lots No. 1452 RP (Part) and 1453 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/656)

Presentation and Question Sessions

159. The Committee noted that the applicant on 26.11.2009 requested for deferment of the consideration of the application for two months in order to allow time to submit additional information to demonstrate that the proposed development would not generate adverse impact.

Deliberation Session

160. 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 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/657 Temporary Open Storage of Construction Material and Metal Ware
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots No. 2447 (Part), 2455 S.B ss.1 S.A (Part), 2455 S.B ss.1
S.C (Part), 2455 S.B ss.1 RP (Part), 2958 (Part), 2961 S.A (Part)
and 2961 RP (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/657)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was related to four previously approved applications for various open storage uses. The last application No. A/YL-HT/468 was approved by the Committee on 17.11.2006. The applicant had complied with the approval conditions on the implementation of drainage and landscape proposals. The permission lapsed on 17.11.2009, and the site was currently used for parking of container trailers/tractors and private cars without valid planning permission;
- (b) temporary open storage of construction material and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being about 7m away) and the access road (Lau Fau Shan Road) and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period

and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction material and metal ware could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The areas surrounding the site were predominantly occupied for open storage yards, vehicle parks and vehicle repair workshops. The applied use was not incompatible with the surrounding uses. Besides, there was no immediate development proposal for the “Comprehensive Development Area” (“CDA”) zone. It was considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone on the Outline Zoning Plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP. The DEP did not support the application. However, there had not been any pollution complaint against the site over the last 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, prohibition of workshop activities and prohibition of container trailer/tractor parking/storage had been recommended. The development was generally in line with the Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas and there was no adverse comment from concerned Government departments which concerns could be addressed by way of approval conditions.

162. Members had no question on the application.

Deliberation Session

163. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, 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 7:00 p.m. and 9:00 a.m., as proposed by

- the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (c) no workshop activity, including dismantling, repairing, recycling and cleansing, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (d) no container vehicle, including container trailers and tractors, was allowed to be parked/stored on the site, as proposed by the applicant, during the planning approval period;
 - (e) the drainage facilities implemented on the site under Application No. A/YL-HT/468 should be maintained at all times during the planning approval period;
 - (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2010;
 - (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
 - (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2010;
 - (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
 - (j) in relation to (i) above, the provision of fire service installations proposed

within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;

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

164. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone to the container trailer/tractor parking use or any other use/development which currently exists on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. Should the Short Term Waiver application be disapproved and the structures persisted on-site, his office would consider taking appropriate lease enforcement action against

the occupier/registered owner of Lot No. 2961 S.A in D.D. 129. His office reserved the right to take enforcement action under the conditions of the Letters of Approval No. MT/LM 12679, MT/LM 13794 and M 22185; and his office did not provide maintenance works to the informal access track to the site nor guarantee right-of-way;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the 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 and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services to provide portable hand-operated approved appliances as required by occupancy which should be clearly indicated on plans for the structures of area less than 230 m² 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). Should the applicant wish to apply for exemption from the provision of the fire service installations, the applicant was required to provide justifications to him for consideration; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office and store were considered as temporary buildings and were subject to control under

Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/337 Renewal of Planning Approval for Temporary “Open Storage of Construction Materials and Machinery” Use under Application No. A/YL-KTN/287 for a Period of 3 Years in “Undetermined” zone, Lots 202 RP (Part) and 203 RP (Part) in D.D. 103, Ha Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/337)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of 10 previous applications for the same applied use as the current application. Two were rejected and eight were approved with conditions by the Committee for 1 to 3 years. The last application No. A/YL-KTN/287 was approved with conditions by the Committee on 18.1.2008 for a period of 2 years until 19.1.2010. During the planning permission period, all the approval conditions had been complied with.;
- (b) renewal of planning approval for temporary “Open Storage of Construction Materials and Machinery” use under Application No. A/YL-KTN/287 for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, located in between the site and to the immediate south of the site and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and machinery use could be tolerated for a further period of 2 years based on the assessment in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses which were predominated by storage yards, workshop, vacant land, site office and residential development/scattered village houses. All the approval conditions related to the last Application No. A/YL-KTN/287 had been complied with. As there was no significant change in the planning circumstances since the last approval, approval of the subject application was in line with the Committee's previous decision. The application was generally in line with the Town Planning Guideline No. 13E and No. 34A. There were no adverse comments from the relevant departments except the DEP and no local objection. While the DEP did not support the application, the scale of the development was relatively small and no environmental complaint had been received by the DEP in the past three years. To address the DEP's concerns, approval conditions restricting the operation hours and types of vehicles and activities were recommended. There was a proposed residential development with commercial facilities and a GIC site approved under application No. A/YL-KTN/319 located to the immediate east of the site. The land exchange of the proposed residential development was completed in 2007. Though the building plans of the proposed residential development were yet to be approved, the concerned site had been cleared

for development. In view of the scale and the development progress of the proposed residential development, a shorter approval period of 2 years, instead of 3 years sought by the applicant, was recommended so as to monitor the situation on the site.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 18.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site during the planning approval period;
- (e) the existing trees and landscape planting within the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented under previous application No. A/YL-KTN/267 should be maintained at all times during the planning

approval period;

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

168. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) that a shorter approval period of 2 years was granted in view of the proximity of the site to an approved residential development to its east and the need to monitor the situation in this regard;
- (c) to note the District Lands Officer/Yuen Long's comments that the site was accessible to Kam Tin Road via long haul of an informal village track on 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 note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that the land status of the proposed track between the site and Kam Tin Road should be checked with the lands authority. The management and maintenance responsibility of the same track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways

Department's (HyD) comment that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;

- (f) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comment that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (i) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise

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

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/480 Proposed Animal Boarding Establishment
in “Agriculture” zone,
Lot 1652 in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/480)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed animal boarding establishment;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that site inspection revealed that there was existence of residential dwellings in the vicinity of the site, with the closest one at about 5m from the site. Once the site was fully operated, noise nuisance such as occasional dog barking might be a concern to the nearby sensitive receivers. In addition, the exhaust outlets of the proposed air ventilation system of the establishment would be an odour source if they were not properly positioned. The Director of Agriculture, Fisheries and Conservation (DAFC)

did not support the application from the agricultural development point of view as the site fell within the “Agriculture” (“AGR”) zone where the potential for agricultural rehabilitation was high. Other concerned Government departments had no objection/adverse comments;

- (d) 7 public comments were received during the statutory publication period. The first 2 comments objecting to the application were from the Pat Heung Rural Committee and the Resident Representative of Shui Tsan Tin Tsuen respectively. The commenters opined that the barking from the dogs and the malodour from the animals and their excrement would create noise and air pollution and environmental hygiene problem to the nearby residents and the villagers of Shui Tsan Tin Tsuen. The other 5 comments were in support of the application. The commenters pointed out that the operator of the proposed animal boarding establishment was a benevolent person who cared for the animals; the establishment would receive the abandoned animals and benefit the community; it could provide pet-caring services to the nearby residents; and it was a new industry for the economy and would provide job opportunities for people with low education level. Moreover, animal boarding establishments that were subject to Government supervision and with good management would only bring about little nuisance to the surrounding areas. The District Officer (Yuen Long) had received 2 written comments from Pat Heung Rural Committee and the Village Representative of Shui Tsan Tin Tsuen. These 2 comments had also been sent directly to the Board and had been treated as public comments; and

- (e) the Planning Department (PlanD)’s views – PlanD had an objection to the application based on the assessment in paragraph 11 of the Paper. The site fell within the “AGR” zone. Although DAFC did not support the application from the agricultural development point of view given the potential of the site for agricultural rehabilitation was high, the proposed animal boarding establishment for rearing and breeding of cats and dogs was in fact akin to the breeding and keeping of poultry and livestock which was regarded as ‘Agricultural Use’ and always permitted under “AGR” zoning. The

proposed development was considered not incompatible with the surrounding land uses which were characterized by cultivated and fallow agricultural land, orchid nurseries, vacant farms and residential dwellings. Although there were residential dwellings in the immediate vicinity of the site and the DEP was concerned with the potential noise and odour nuisances to the nearby residents, it was considered that, if the applicant could maintain good housekeeping practice, the proposed use was not expected to cause significant adverse environmental impact on the surrounding area. Relevant approval condition requiring the installation of sound-insulating materials and double-glazing windows at the animal boarding rooms to abate the possible noise arising from dog-barking was recommended. Moreover, there were provisions under the Animal Trader Licence to guide the licensee on the housekeeping of the licensed premises. The applicant would also be advised to observe the requirements under the WPCO in order to alleviate any potential impact. Apart from the DAFC and the DEP, relevant Government departments consulted generally had no adverse comments on the application. The proposed use would be subject to control under the relevant environmental control legislation and licensing requirements and the applicant had proposed measures to prevent noise and odour nuisances. Environmental impact on the surrounding areas would not be significant. However, as there were residential dwellings in the vicinity of the site, temporary planning approval for a period of 3 years, instead of permanent permission as applied for, was recommended in order to monitor the situation on the site.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the installation of sound-insulating materials and double-glazing windows

at the animal boarding rooms, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;

- (b) 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 18.6.2010;
- (c) in relation to (b) 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 18.9.2010;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2010;
- (e) in relation to (d) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2010;
- (f) the submission of fire fighting access and 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 18.6.2010;
- (g) in relation to (f) above, the provision of fire fighting access and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) 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.

172. The Committee also agreed to advise the applicant :

- (a) that in view of the residential dwellings located in the vicinity of the site, a temporary planning approval for a period of 3 years, instead of permanent permission as applied for, was given to monitor the situation on the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that the registered lot owner(s) should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. The STW application, if subsequently submitted, would be considered according to current land policy. However, there was no guarantee that the land exchange or STW application would be approved by his office. A Modification of Tenancy (MOT) and a Letter of Approval (L of A) of ref.: M20456 were given to the owner of the subject lot allowing domestic and agricultural structures erected on the site. As these structures might have been converted for unauthorized use, his office would consider to terminate the MOT and L of A. The local access to the site rested on other private lots. His office did not guarantee right-of-way;
- (c) to observe the provisions of the Animal Trader Licence issued by the Director of Agriculture, Fisheries and Conservation when operating the development;
- (d) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to position the exhaust outlets of the proposed air ventilation system of the development away from the nearby residential dwellings as far as possible;

- (f) to note the Director of Environmental Protection's comments that the requirements under the Water Pollution Control Ordinance (WPCO) (Cap. 358) should be observed, and that the effluent from the operation should meet the WPCO requirements prior to discharge;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status and management and maintenance responsibilities of the track leading to the site from Kam Sheung Road should be checked;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (i) to note the Director of Food and Environmental Hygiene's comments that the operation of the proposed use should not cause any sanitary nuisance on the surrounding area. The refuse generated by the proposed use and its ancillary facilities were regarded as trade refuse if not domestic waste. The applicant was responsible for the removal and disposal of the refuse, and the maintenance of vegetation, including removal of fallen or dangerous tree and trunk;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the effluent from the site should not be discharged into the stormwater drainage system;
- (k) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix II of the RNTPC Paper;
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the

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

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/481 Temporary Public Vehicle Park (Excluding Container Vehicle)
for a Period of 5 Years in “Village Type Development” zone,
Lot 393 (Part) in D.D. 109, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/481)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of 2 previous Applications No. A/YL-KTS/166 and 366. Application No. A/YL-KTS/166 for proposed public vehicle park was approved with conditions by the Committee on 28.5.1999 for a period of 3 years. The last Application No. A/YL-KTS/366 for temporary warehouse, workshop and office for a period of 2 years was rejected by the Town Planning Board on review on 11.8.2006;
- (b) temporary public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that there was no Small House application on the subject lot. The Director of Environmental Protection (DEP) advised that the site was not the subject of any environmental complaint in the past 3 years. Other concerned departments had no objection/adverse comments;
- (d) four public comments were received during the statutory publication period from the manager of Tang Kwong Yue Tong, two local residents and a member of the public. Two of the public commenters objected to the application mainly on the grounds that the development would generate

nuisance of noise and artificial lighting. The manager of Tang Kwong Yue Tong who was one of the land owners of the site, objected to the application as the applicant did not inform him about the subject application. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary public vehicle park (excluding container vehicle) could be tolerated for a period of 3 years based on the assessment in paragraph 11 of the Paper. Although the development of public vehicle park was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand. The DLO/YL indicated that no small house application had been received at the subject lot. Given its temporary nature and there was no Small House application underway, the development would not frustrate the long-term planning intention of the “V” zone. The development of public vehicle park for private cars was considered not incompatible with the surrounding land uses which mainly comprise residential buildings/structures with a few open storage yards/storage yards. Relevant Government departments had no adverse comment on the application, and no environmental complaint was received in the past 3 years. Local objections were received mainly due to the concerns on the possible nuisance of noise and artificial lighting arising from the development. To minimize the potential environmental impacts, a shorter approval period of 3 years, instead of 5 years as proposed by the applicant, was recommended so as to monitor the situation on the site. To address the public comments from manager of Tang Kwong Yue Tong, the applicant would be advised to resolve any land issues relating to the development with the concerned owners of the site.

174. Members had no question on the application.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 years sought, until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and container vehicles, as proposed by the applicant, were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site during the planning approval period;
- (d) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2010;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2010;

- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (d), (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

176. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the other concerned owner(s) of the site;

- (c) that a shorter approval period of 3 years be granted so as to monitor the situation on site;
- (d) to note the District Lands Officer/Yuen Long's comments that the site was situated on an Old Schedule Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. His office reserved the right to take lease enforcement against any irregularities if found. The site was accessible to Po Tei Road via a short distance of open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way. The registered owner of the lot should apply for Short Term Waiver (STW) to regularize any structures on the site. Should no STW application be received/approved and unauthorized structures persisted on the site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (e) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that Po Tei Road leading to the application site was not maintained by his department. The maintenance party of the access should be identified and be consulted;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the strip of land between the site and Po Tei Road should be checked with the lands authority. The management responsibilities of the same strip of land should also be clarified with relevant lands and maintenance authorities accordingly. Since vehicles exceeding 5.5 tonnes were prohibited from entering into Po Tei Road, vehicles exceeding 5.5 tonnes should not be

allowed to use the site;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix III of the RNTPC 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; and
- (j) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/482 Renewal of Planning Approval for Temporary “Open Storage of Vehicle Parts” Use under Application No. A/YL-KTS/392 for a Period of 3 Years in “Residential (Group D)” zone, Lots 698 S.A, 701 S.B RP (Part), 701 S.C (Part) and 702 S.C (Part) in D.D. 106 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/482)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was involved in 9 previous applications for a similar open storage use. Eight of them were approved with conditions by the Committee. The last Application No. A/YL-KTS/392 was approved with conditions by the Committee on 19.1.2007 for a period of 3 years up to 19.1.2010. The approval conditions related to the submission and implementation of run-in proposals and provision of fire extinguisher had been complied with. The current application was the same as the last application in terms of applied use and site area;

- (b) renewal of planning approval for temporary “Open Storage of Vehicle Parts” use under Application No. A/YL-KTS/392 for a period of 3 years;
- (c) departmental comments – although there was no environmental complaint received in the past 3 years, the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings, located to the immediate east, south and west of the site, and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that temporary open storage of vehicle parts could be tolerated for a further period of 3 years based on the assessment in paragraph 12 of the Paper. The proposed use was considered not incompatible with the surrounding areas which were mixed with residential structures, open storage yards, barracks and vacant/unused land. A similar application No. A/YL-KTS/463 for temporary open storage of vehicles and vehicle parts located to the immediate southeast of the site was approved with conditions by the Committee on 8.5.2009. As there was no known residential development for the “Residential (Group D)” (“R(D)” zone, it was considered that the temporary planning permission for another 3 years would not frustrate the planning intention of the “R(D)” zone. The application being a renewal application was generally in line with the Town Planning Guidelines No. 13E and No. 34A. There were no local objection and no adverse comments from the relevant departments except the DEP. To address the environmental concern of DEP, approval conditions restricting operation hours and types of vehicles, and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended.

178. Members had no question on the application.

Deliberation Session

179. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, 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. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period.
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2010;
- (f) in relation to (e) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2010;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services

or of the TPB by 18.6.2010;

- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (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 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.

180. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that Short Term

Waiver (STW) No. 3171 was approved to Lot No.698 S.A in DD106 permitting structures with built-over area (BOA) not exceeding 312.88m² and height not exceeding 6.2m for the use of storage of vehicle parts and ancillary use. Two large shelters were erected on the site. They should have exceeded the permitted BOA. The applicant should clarify that the structure in the form of a container to support one of the shelters fell onto Lot 702 S.C. The application site was accessible to Shek Kong Airfield road via a short distance of open government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way. Should the planning permission be given, he would re-activate processing an application received earlier for permitting additional BOA. Regarding the occupation of Government Land, the occupier should apply for Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STT application be received/ approved and any irregularities persisted on the site, his office, on review of the situation, would take appropriate action against the occupier according to the prevailing programme;

- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the ingress/egress of the site did not abut Shek Kong Airfield Road. The status of the strip of land between the site and Shek Kong Airfield Road should be checked with the lands authority. The management and maintenance responsibilities of the same strip of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (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 minimize any possible environmental nuisances;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the

application site and Shek Kong Airfield Road;

- (f) to note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI in the RNTPC paper. If the applicant wished to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (h) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/483 Temporary Open Storage of Vehicle Parts with Ancillary Workshop for a Period of 3 Years in “Agriculture” zone,
Lots 460 RP, 461 RP (Part) and 462 S.B RP (Part) in D.D. 103,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/483)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was involved in nine previous applications. Except one application which was for proposed houses (New Territories Exempted Houses – Small Houses) development, all the applications were for similar temporary open storage uses. Compared with the last approved application (No. A/YL-KTS/458), the current application mainly involved a change of applied use from “temporary open storage of private vehicles and vehicle parts” to “temporary open storage of vehicle parts with ancillary workshop”, increase of total floor area from 162m² to 253m² and increase of building height of the converted containers from 1 storey to 2 storeys;
- (b) temporary open storage of 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 sensitive receivers, i.e. residential structures, located to the north of the site across Kam Tin Road and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicle parts with ancillary workshop could be tolerated for a period of 1 year based on the assessment in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding land uses which consisted of a mixture of open storage yards, a vehicle repair workshop and parking lots. The granting of temporary planning permission would not frustrate the long-term planning intention of the “Agriculture” zone. Although the previous application No. A/YL-KTS/458 was revoked due to non-compliance with the approval condition prohibiting workshop activities, the applicant had complied with the approval conditions related to submissions of landscape and fire service installations proposals under the previous application. Compared with the previous application, the current application included an ancillary workshop. To monitor the situation on the site given an ancillary workshop was proposed and to address the concern of the DEP on the possible nuisance generated by the temporary use, a shorter approval period of 1 year and approval conditions restricting the operation hours and prohibiting heavy vehicles were recommended

182. Members had no question on the application.

183. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, until 18.12.2010, 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 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no heavy vehicles exceeding 24 tonnes were allowed for the operation of the site at any time during the planning approval period;
- (d) the existing boundary fencing should be maintained at all times during the planning approval period;
- (e) the drainage facilities agreed under the previous application No. A/YL-KTS/289 should be maintained at all times during the planning approval period;
- (f) the implementation of the accepted landscaping and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.3.2010;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2010;

- (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.

184. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter 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 might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) No. 2784 was approved to Lot No. 461 RP in D.D. 103 permitting structures with Built Over Area (BOA) not exceeding 63.1m² and height not exceeding 6.5m for the use of ancillary use to open storage of left-hand-drive vehicles. His office

reserved the right to take enforcement action under STW for the extensive BOA. Besides, the application site was accessible by an informal track from Kam Tin Road, which ran through open government land without maintenance works to be carried out thereon by his office. His office would not guarantee such right-of-way;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (f) to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSI proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix V of the RNTPC paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justification should be provided to his department for consideration; and

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/484 Temporary Cargo Handling and Forwarding Facility
for a Period of 3 Years in "Agriculture" zone,
Lots 582 (Part), 583, 584 (Part), 586 (Part), 587, 588 (Part), 589
RP (Part), 591 RP (Part), 592 RP (Part) and 593 RP (Part) in D.D. 103,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/484)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was involved in 3 previous applications for various temporary open storage uses. Only one of them was approved with conditions by the Town Planning Board (TPB) on review on 20.11.1998;
- (b) temporary cargo handling and forwarding facility for a period of 3 years;
- (c) departmental comments – although no environmental complaint was received in the past three years, the Director of Environmental Protection (DEP) did not support the application as sensitive receivers, i.e. residential structures were found to the immediate east and north of the site, and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) four public comments were received during the statutory publication period from a Yuen Long District Councillor, two members of the public and a villager of Ko Po San Tsuen. The public commenters objected to or expressed concerns on the application on the grounds that the site was adjacent to the residential dwellings/structures which were made of wood and the container vehicles at the site were filled with much gasoline. If a fire broke out, the lives of the villagers were at great risk. Besides, the operation of the development would generate serious noise nuisance and dust and affected the air quality. Moreover, the local road with a width of about 5m connecting to Kam Tin Road was the major access for the villagers. The vehicular movement of the container vehicles or heavy vehicles were causing inconvenience and safety problem to the villagers. There were already two goods vehicle parks along the local road. The local road could not accommodate one more goods vehicle park. In addition, the applicant had not proposed any drainage facilities or system for the development which would cause adverse drainage and sewage impact on the surrounding areas including the village. The container

vehicles of the development would also cause serious traffic accident if they crashed into the wooden residential dwellings/structures nearby. No local objection/view was received by the District Officer (Yuen Long); 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 which required the operation of container vehicles and heavy goods vehicles was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land to the west, north and east of the site. While there were storage/open storage yards, workshops and warehouse located to further west of the site, some of them are suspected unauthorized developments subject to enforcement actions taken by the Planning Authority. The application did not comply with the TPB Guidelines No. 13E in that there were adverse departmental comments and objections/strong objections from the public. In particular, since the scale of the development with a site area of about 3,991m² was relatively substantial and the use of container vehicles for operation of the development was necessary, the residential dwellings/structures nearby would be susceptible to adverse environmental impact arising from the development. Although previous approval (No. A/YL-KTS/131) had been granted on review by TPB on 20.11.1998 for temporary open storage of vehicles for a period of 12 months, the approval was granted for a smaller site (with site area of about 1,100m²) more than 10 years ago when the concerned site was surrounded by vacant land and vacant pigsty and chicken farms rather than residential dwellings/structures. The development would generate adverse environmental impact on the surrounding areas. In this regard, the DEP did not support the application as sensitive receivers were found to the immediate surroundings and environmental nuisance was expected.

186. Members had no question on the application.

187. After deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings, agricultural lands and vacant land. The residential dwellings/structures which were located to the immediate east and north of the site and in the vicinity would be susceptible to adverse environmental nuisance generated by the development and there was adverse comment from the relevant Government department and objections from the public on the application.

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/600 Renewal of Planning Approval for Temporary “Open Storage of Containers for Storing Sauces with Canteen Use” for a Period of 3 Years in “Residential (Group D)” zone, Lot 172 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/600)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of 2 previous planning applications (No. A/YL-PH/458 and 532) for the same use submitted by the same applicant. Application No. A/YL-PH/458 was allowed by the Appeal Board with conditions on 11.1.2006 for a period of 1 year up to 11.1.2007. The appeal was allowed mainly on consideration that the locality was thinly populated and concern of other Government Departments could be met by the imposition of suitable terms in the grant of the permission. Details of the appeal were given in paragraph 6.2 of the

Paper. The last application No. A/YL-PH/532 also submitted by the same applicant of the current application for renewal of planning permission Application No. A/YL-PH/458 for a further period of 3 years on-site was approved by the Committee on 5.1.2007 up to 5.1.2010;

- (b) renewal of planning approval for temporary “Open Storage of Containers for Storing Sauces with Canteen Use” for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection/adverse comments;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of containers for storing sauces with canteen use could be tolerated for a further period of 3 years based on the assessment in paragraph 12 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines No. 34A in that there had not been any material change in planning circumstances since the previous approval (No. A/YL-PH/532) was granted and the land uses of the surrounding areas. The approval conditions of the previous application had already been complied with by the applicant. Although the applied use was not entirely in line with the planning intention of the “Residential (Group D)” zone, it was expected that the environmental impact generated from the use would be limited. In this regard, the DEP had no objection to the application.

189. In response to the Chairperson’s enquiry, Mr. Yuen confirmed that the proposed use was mainly related to open storage use only as confirmed by site inspection.

Deliberation Session

190. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.12.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no structures, including containers standing alone or stacked together, inside the site should exceed the height of 2 conventional containers stacked together during the planning approval period;
- (b) no part of the site should be used for storing anything other than goods belonging to or dealt with by the applicant in the business of Parsley Sauce and Food Industrial during the planning approval period;
- (c) all goods stored at the site should be kept inside the structures put or erected at the site at all times during the planning approval period. No goods should be placed in open storage or in an area or space which was not enclosed in wind and water tight structures during the planning approval period;
- (d) except for the purpose of loading and unloading, no vehicle should be parked at the site except for vehicles belonging to the applicant during the planning approval period. In any event, no more than 10 vehicles should be parked at the site;
- (e) the site should be kept clean to the satisfaction of the Director of Food and Environmental Hygiene at all times during the planning approval period;
- (f) the drainage facilities as implemented under Application No. A/YL-PH/532 on the application site should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (h) 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 18.6.2010;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (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;
- (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; and
- (m) the planning permission was personal to the applicant and should be automatically revoked upon the applicant's parting with possession of the site or any part thereof.

191. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Unauthorized structures were included on the Old Schedule Agricultural Lot. It also included some Government land and his office had no permission for its occupation. His office reserved the right to take lease

enforcement and control action against these irregularities. He should re-activate processing the earlier submitted application for Short Term Waiver and Short Term Tenancy. The site was accessible to Fan Kam Road via an informal track on open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;

- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the track between the site and Fan Kam Road should be checked with the lands authority. Furthermore, the management and maintenance responsibilities of the track leading to the site from Fan Kam Road should be clarified and consulted with the relevant lands and maintenance authorities accordingly;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (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 minimize any possible environmental nuisances. The applicant was reminded of his obligation under the Water Pollution Control Ordinance and should always hold a valid discharge licence during the entire period of the planning permission;
- (f) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to Appendix IV of the RNTPC paper on the general fire safety requirements;

- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the unauthorized structures on-site should be removed, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulation (B(P)R), Part VII. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage;
- (h) to note the Director of Agriculture, Fisheries and Conservation's comments that the applicant should avoid disturbance to the watercourse adjacent to the site, especially in terms of surface runoff, and any trees therein;
- (i) to note the Director of Food and Environmental Hygiene's comments that the staff canteen should only provide catering service to the staff of the company; and
- (j) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, 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 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/449 Temporary Retail Shop for Hardware Groceries
for a Period of 3 Years in “Residential (Group B)1” zone,
Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/449)

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was involved in 5 previous applications. Three applications (No. A/YL-TYST/197, 311 and 371) applied for the same use were approved with conditions by the Committee in 2003, 2006 and 2008 respectively. However, the planning approvals under the last 2 applications (No. A/YL-TYST/311 and 371) were revoked due to non-compliance with the respective approval condition in relation to provision of fire service installations (FSIs). The remaining two applications applied for different use were rejected by the Committee. Compared with the last application (No. A/YL-TYST/371), the current application was submitted by the same applicant for the same applied use but the site area had been increased from about 83 m² to about 138 m² since a more detailed site survey had been conducted and the current application site boundary reflected the actual site condition.;
- (b) temporary retail shop for hardware groceries for a period of 3 years;

- (c) departmental comments –the Director of Environmental Protection (DEP) commented that since Jasper Court was located to the immediate east of the site, if the site involved workshop activities and traffic of heavy vehicles, environmental nuisances were anticipated. Other concerned Government departments had no objection/adverse comments;
- (d) during the statutory publication period of the application, 46 public comments from the Owners’ Committee of Jasper Court and the local residents were received objecting to the application. During the publication period of further information of the application, 52 public comments were received objecting to the application mainly from the commenters who had already indicated objection in the first round. The commenters objected to the application mainly on the grounds of environmental nuisances including noise and air pollution, road safety, increase of traffic flow, environmental hygiene, fire hazard, incompatible land use, visual impact and public security. They considered that the loading/unloading activities would affect pedestrian/traffic safety; the odour and toxic gas generated by storage of paints and thinner and the noise and odour generated by cutting of metal would affect health; the storage of inflammable materials and goods would pose fire hazard and affect safety of the residents, and lowering of the property value. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary retail shop for hardware groceries could be tolerated for a period of 1 year to monitor the situation on the site based on the assessment in paragraph 11 of the Paper. The temporary retail shop was considered not incompatible with the surrounding land uses. It was small in scale and located at the fringe of the “Residential (Group B)1” zone to the east of Tong Yan San Tsuen Road. Besides, there were restaurant, warehouses and workshops uses located within the adjoining “Industrial” zone across Tong Yan San Tsuen Road. Since there was no known programme for long-term development of the site, the approval of the application on a temporary

basis would not frustrate the planning intention of the zoned use. Although the planning approvals under the last 2 applications were revoked due to the applicant's failure to comply with the approval condition on provision of FSIs, the applicant had made effort to comply with that condition on FSIs during the approval period of the last application. The FSIs proposal in support of the current application, was considered acceptable by the Director of Fire Services. Sympathetic consideration could be given to the current application. There were strong local objections to the application mainly from the residents of the adjacent residential development, Jasper Court, on the grounds of pedestrian/traffic safety, noise and environmental nuisance, fire hazard and public security. However, concerned departments, including Transport Department, Environmental Protection Department, Fire Services Department and the Police had no objection to the application. In view of the strong local objections, the application might be tolerated for one more time but subject to a shorter approval period of 1 year and shorter compliance periods to monitor the situation on the site and the progress on compliance with the approval conditions.

193. A Member asked whether the application would be renewed after this year's approval. Mr. Yuen replied that although the last application was revoked owing to non-compliance of approval conditions relating to FSIs, the FSIs proposal in the current application was acceptable by FSD and it was anticipated that the applicant would implement the agreed FSIs proposal. Shorter approval period and compliance periods were thus recommended in order to monitor the development on the application site and the progress on compliance with approval conditions. Sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions. The Secretary added that shorter compliance period of the approval condition was usually recommended if the last application was revoked due to non-compliance of approval condition and a shorter approval period was recommended if there was strong objection to the application. As for the subject case, there was previous approval and the proposed use was not incompatible with the surrounding uses and hence was tolerable at the subject location. A shorter approval period was then recommended to monitor the situation.

Deliberation Session

194. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of the period of 3 years sought, until 18.12.2010, 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., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no metal cutting or other workshop activities were allowed to be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors was allowed for the operation of the application site at any time during the planning approval period;
- (e) no loading/unloading activities were allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2010;

- (i) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (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.

195. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter approval period and compliance periods were allowed to monitor the development on the application site and the progress on compliance with approval conditions;
- (c) that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that Short Term Waiver (STW) No. 3294 covering Lot 1375 RP in D.D. 121 for the purpose of temporary retail shop for hardware groceries was subject to a total site coverage of structures not exceeding 59.6 m². If there were breaches of the conditions of the STW, his office would initiate appropriate enforcement action;
- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; and
- (i) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of

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

[The Chairperson thanked Mr. C.C. Lau, Mr. W.M. Lam, Ms. S.H. Lam, Mr. Kepler S.Y. Yuen and Mr. Anthony C.Y. Lee, STPs/TMYL, for their attendance to answer Members’ enquires. Mr. Lau, Mr. Lam Ms. Lam, Mr. Yuen and Mr. Lee left the meeting at this point.]

Agenda Item 51

Any Other Business

196. There being no other business, the meeting was closed at 6:25 p.m..