

TOWN PLANNING BOARD

Minutes of 410th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.1.2010

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

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

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

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

Secretary

Absent with Apologies

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Assistant Director (2), Home Affairs Department

Mr. Andrew Y.T. Tsang

In Attendance

Assistant Director of Planning/Board

Mr. Lau Sing

Chief Town Planner/Town Planning Board

Miss H.Y. Chu

Town Planner/Town Planning Board

Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 409th RNTPC Meeting held on 18.12.2009

[Open Meeting]

1. The draft minutes of the 409th RNTPC meeting held on 18.12.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Draft Outline Zoning Plan

2. The Secretary reported that on 12.1.2010, the Chief Executive in Council (CE in C) approved the draft Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP) (to be renumbered as S/K11/25) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The approval of the OZP would be notified in the Gazette on 22.1.2010.

(b) Reference Back of Approved Outline Zoning Plans

3. The Secretary reported that on 12.1.2010, the CE in C referred the following approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs would be notified in the Gazette on 22.1.2010:

- (i) The Peak Area OZP No. S/H14/9;
- (ii) Kennedy Town & Mount Davis OZP No. S/H1/16; and
- (iii) Wang Tau Hom & Tung Tau OZP No. S/K8/19.

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-PK/166

Proposed 5 Houses

(New Territories Exempted Houses – Small Houses)

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

Lots 1090 S.A (Part), 1090 S.B (Part), 1090 S.C (Part), 1090 S.D

(Part), 1090 S.E, 1090 S.F and 1090 RP (Part) in D.D. 217 and

adjoining Government land, Kau Sai San Tsuen, Sai Kung

(RNTPC Paper No. A/SK-PK/166A)

4. The Committee noted that the applicant’s representative on 29.12.2009 requested for deferment of the consideration of the application for one month in order to allow time to address the outstanding issue on landscaping matter with concerned Government departments.

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

Sha Tin, Tai Po and North District

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/692 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 Parks at Yu Chui Court, No. 8 Ngau Pei Sha Street, Sha Tin
(RNTPC Paper No. A/ST/692)

Presentation and Question Sessions

6. Mr. W.W. Chan, STP/STN, said that a replacement for page 1 of the Paper had been sent to Members before the meeting. He also informed Members that a letter dated 15.1.2010 and addressed to Members of the Committee was received just before the meeting from a Sha Tin District Council Member, who had made public comments during the statutory publication period of the subject application. This letter provided additional information on the location of car parks open to the public in the vicinity of Yu Chui Court, a comparison of parking fees of Yu Chui Court with those of adjacent car parks, and an extract of Deed of Mutual Covenant of Yu Chui Court on the provision of car parking facilities. Copies of the subject letter were tabled at meeting for Members’ consideration. Mr. W.W. Chan then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) (letting of surplus monthly vehicle parking spaces to non-residents of Yu Chui Court) for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no in-principle objection to the application but commented that there was a limit on the reservoir space for waiting vehicles on the section of Chui Yan Street

between Ngau Pei Sha Street and the access road on the west of the Shopping Centre. He recommended that should the application be approved by the Committee, the car parking spaces of the Car Park & Ancillary Facilities Block should be let to non-residents first before letting out the car parking spaces at the Shopping Centre. Other concerned Government departments had no objection/adverse comments;

[Ms. Maggie Chan arrived to join the meeting at this point.]

- (d) during the statutory publication period, a total of 31 public comments raising objection to the application were received. These public comments were sent in by a Sha Tin District Council Member (enclosing 23 public comments); the Owners' Committee of Yu Chui Court (enclosing 1,964 residents' signatures); the Chairman of the Owners' Committee of Yu Chui Court; and 28 comments from other members of the public. The main grounds of objections raised by the commenters were as follows :
 - (i) letting of the car parking spaces to non-residents would violate the Deed of Mutual Covenant of Yu Chui Court and the proposal would deprive the right of Yu Chui Court's residents in the choice of car parking spaces;
 - (ii) under the existing arrangement, more than 80% of the repair and maintenance costs for the road section from Chui Yan Street to the car park were borne by the residents. It was very unfair to them as they had to share a higher maintenance cost of the access due to usage of the car park by non-residents;
 - (iii) there was no need to let the car parking spaces to outsiders as there were many temporary car parks in the vicinity and the nearby developments had their own car parks;
 - (iv) residents chose to park their cars in the temporary open air car parks in the vicinity, the parking fee of which was less than that of the

Link's car parks. The high surplus was due to high parking fees of the Link's car parks and the Link should lower the parking fees to increase patronage;

- (v) the proposal would affect the interests of the residents of Yu Chui Court. The letting of the car parks to outsiders would pose environmental problems including noise, air, hygiene, road safety, worsen the security and causing management problems to Yu Chui Court; and
 - (vi) the surplus car park areas could be converted to eating or shopping places as there was only one shopping centre serving the Yu Chui Court and Prima Villa with few eating places.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment in paragraph 10 of the Paper. The application was to change the existing ancillary car parks in Yu Chui Court to public vehicle park use by letting surplus monthly vehicle parking spaces to non-residents and the proposal did not involve any new development or redevelopment of the site. As only the surplus monthly vehicle parking spaces would be let out to non-residents, the parking need of the residents of Yu Chui Court would not be compromised. Besides, the applicant indicated that the residents of Yu Chui Court would be given the priority in the letting of monthly vehicle parking spaces. 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. In this regard, concerned Government departments had no objection to the application. The proposed tenure of three years of planning permission under the subject application was considered reasonable as the vacant parking spaces could be let to non-residents flexibly while the parking demand of the residents could be further reviewed. Should the Committee decide to approve the application, it was suggested to stipulate an approval condition requiring that priority should be accorded to the

residents of Yu Chui Court in the letting of the surplus vehicle parking spaces and the proposed number of vehicle parking spaces to be let to non-residents should be agreed with the Commissioner for Transport. It was also suggested to incorporate an advisory clause as set out in paragraph 11.2(b) of the Paper to advise the applicant to note AC for T/NT, TD's comments that the non-residents should be charged the same monthly rent as that for residents and the car parking spaces of the Car Park & Ancillary Facilities Block should be let to non-residents first before letting out the car parking spaces at the Shopping Centre.

[Mr. David W.M. Chan arrived to join the meeting at this point.]

7. In response to Members' enquiries, Mr. W.W. Chan provided the following information :

- (a) Yu Chui Court was an Home Ownership Scheme covered by a Deed of Mutual Covenant. The proposed letting of surplus monthly vehicle parking spaces to non-residents of Yu Chui Court might not be allowed under the Deed;
- (b) the applicant proposed to let the surplus monthly vehicle parking spaces within Yu Chui Court to non-residents. The application did not involve any letting of visitors' hourly parking spaces;
- (c) there were two temporary public open car parks at Ngau Pei Sha Street and Sha Tin Wai Road in the vicinity of Yu Chui Court. Their parking fees were comparatively lower than that of the car parks in Yu Chui Court;
- (d) Yu Chui Court was in close proximity to the City One Ma On Shan Rail Station and there was a public transport terminus within the estate; and
- (e) as indicated in Plan A-2 of the Paper, the access to the subject car parks would be via Chui Yan Street and then the internal roads of Yu Chui Court.

Deliberation Session

8. A Member said that the Deed of Mutual Covenant of Yu Chui Court had to be revised to enable the letting of car parking spaces that were originally provided for the residents of the estate to non-residents. In view of this requirement, this Member enquired if an approval condition could be imposed requiring the subject Deed of Mutual Covenant to be revised prior to the letting of car parking spaces to non-residents, should the Committee decide to approve the application. In response, the Chairperson said that the revision of the Deed of Mutual Covenant was a lease issue. In considering the application, the Committee was to decide whether the proposal of changing the ancillary car parks of Yu Chui Court into public vehicle parks should be allowed from town planning point of view, rather than from the lease point of view. Hence it would not be appropriate to stipulate the suggested approval condition. Instead, an advisory clause reminding the applicant such a requirement could be stipulated.

9. A Member opined that the subject application could be supported as it would enable a better use of resource which was currently under-utilised. The Member had no strong view on whether an advisory clause was necessary and opined that the matter could be left to the applicant to deal with the residents of Yu Chui Court.

10. Referring to the approval condition in paragraph 11.2 of the Paper, a Member had doubt on its implementability. In response, the Chairperson stated that similar approval condition had been stipulated by the Town Planning Board in approving a number of similar applications submitted by the Hong Kong Housing Authority or the Link in recent years for permission to let out the surplus vehicle parking spaces in their car parks to non-residents. The Secretary supplemented that it had been agreed with the Transport Department (TD) an approval condition should be imposed on such kind of applications to ensure that priority would be accorded to the residents in the letting of the surplus vehicle parking spaces and that the proposed number of vehicle parking spaces to be let to the non-residents should be agreed with the TD.

11. Upon the enquiry of a Member, the Secretary said that the car parks of Yu Chui Court were exempted from gross floor area calculation with the consideration that the vehicle parking spaces were to be used solely by the residents of Yu Chui Court. This Member

opined that as the subject car parks should be provided for the use of the residents of Yu Chui Court, approval of the application for letting the surplus vehicle parking spaces to non-residents should be subject to the condition that the parking demand of the residents of Yu Chui Court should be fully met. This Member pointed out that the parking fees of the subject car parks charged by the applicant were considerably higher than those of the adjacent public car parks. Therefore, it was not surprising that the residents of Yu Chui Court would choose to park their cars outside the estate. This might result in a high vacancy rate of the subject car parks, while the parking demand of the residents of the estate could not be met. This was reflected by the strong objections from many local residents. Given the above, this Member considered that there was a lack of information in the application to explain why there was such a high level of surplus parking spaces in Yu Chui Court and to demonstrate to the Committee that the parking demand of the residents had been adequately met. Members generally shared the above views.

12. Another Member commented that the approval of the application would affect the right and interest of the residents of Yu Chui Court. Some Members noted that access to the subject car parks would be via the internal roads of Yu Chui Court. The letting of car parking spaces to non-residents would cause management problems to the residents as they had to pay 80% of the repair and maintenance costs for the internal roads within the estate. The increased number of non-residents' vehicles driving through the internal roads might also cause noise and air pollution problems as well as security problems in the estate. However, there was no information in the application to address these problems.

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

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

- (a) the subject car parks were intended for meeting the car parking demand for the residents of Yu Chui Court. In view of the strong objection from the residents and their reasons for objection, the car parking demand for the residents had not been met. There was no information in the current submission to explain why there was such vacancy levels of the subject car parks and to ensure the residents' parking demand would be met; and

- (b) as the access to the subject car parks would be via the internal roads of Yu Chui Court, the proposed public vehicle park would cause environmental, security and management problems to Yu Chui Court. There was no information in the submission to address these problems.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/ST/693

Proposed Conversion for Office and Other Ancillary Uses

in “Industrial (1)” zone,

5/F and 6/F, Informtech Industrial Centre, 10-12 Yuen Shun Circuit,

Siu Lek Yuen, Sha Tin

(RNTPC Paper No. A/ST/693A)

14. The Committee noted that the applicant’s representative on 29.12.2009 requested for deferment of the consideration of the application for two months in order to allow sufficient time for the preparation of further information.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/395 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 703 RP and 704 S.C in D.D.9, Yuen Leng Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/395)

Presentation and Question Sessions

16. 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) a proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – no objection/adverse comments were received from concerned Government departments;
- (d) during the statutory publication period, one public comment from an owner of adjoining Lot 705 in D.D. 9 was received. The commenter pointed out that the proposed development would block the pedestrian access to his lot and requested for assistance to resolve the right-of-way issue. 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 met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the proposed Small House footprint fell entirely within the ‘village environs’ of Yuen Leng, Kau Lung Hang San Wai and Kau

Lung Hang Lo Wai, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the villages concerned. As advised by the Chief Engineer/Project Management, Drainage Services Department, the application was located within the water gathering ground and would be able to be connected to the planned sewerage system in the area. As such, the Director of Environmental Protection and the Chief Engineer/Development(2), Water Supplies Department had no objection to the application. Although the proposed Small House development was not in line with the planning intention of the “Green Belt” zoning for the area, the proposed Small House was generally compatible with the surrounding rural environment and it was unlikely that the proposed development would have significant adverse impact on the surrounding area. Other concerned Government departments also raised no objection to the application. In addition, the application site was the subject of a previously approved application (No. A/NE-KLH/258) for Small House Development submitted by the same applicant and sympathetic consideration could be given for the current application. The public comment raised by the adjoining lot owner concerning the pedestrian access to his lot could be resolved in the land grant stage. The applicant also indicated in his submission that the application site would not be fenced off to maintain the pedestrian access.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.1.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a tree survey and landscape proposal prior to any site clearance works to the satisfaction of the Director of Planning or of the

TPB;

- (b) in relation to (a) above, the implementation of the approved landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision 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;
- (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; and
- (f) 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.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the proposed Small House should be located as far as away from the watercourse as possible as the application site was less than 30m from the nearest watercourse;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection

points on the lots concerned in the Land Registry against all affected lots;

- (e) the applicant should note that the whole foul effluent should be conveyed through cast iron pipes with sealed joints and hatchboxes from the proposed house to the public sewers;
- (f) the applicant should note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) 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 Water Supplies Department's standards;
- (h) the applicant should note that there was no existing Drainage Services Department (DSD) maintained public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The 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;
- (i) the applicant should note that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the development and the provision of septic tank;
- (j) the applicant should make proper sewer connection from the proposed

Small House to the public sewerage at his own cost;

- (k) the applicant should pay continuing attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (l) the applicant should follow the Buildings Department Practice Notes for Authorised Persons and Registered Structural Engineers No. 295, “Protection of natural streams/rivers from adverse impacts arising from construction works” in particular Appendix B, “Guidelines on Developing Precautionary Measures during the Construction Stage”;
- (m) the applicant should make necessary submission to the District Lands Officer/Tai Po to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56 (previously known as PNAP 147). If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (n) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (o) 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;
- (p) 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;
- (q) prior to establishing any structure within the application site, the applicant and his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable

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

- (r) 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.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/396 Temporary Open Storage of Vehicles for Sale Purpose with
Ancillary Vehicle Repairing Workshop for a Period of 3 Years
in “Agriculture” zone,
Lot 410 (Part) in D.D. 7, Tai Hang Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/396)

Presentation and Question Sessions

20. 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;

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

- (b) temporary open storage of vehicles for sale purpose with ancillary vehicle repairing workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there was a sensitive use in the

vicinity of the site and environmental nuisance was expected. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application on the grounds that the site was located within the upper indirect water gathering ground (WGG) and car repairing and servicing activities might have adverse impact on the pollution effect within the WGG, and the water mains in the vicinity of the application site might not be adequate to meet the fire-fighting requirement. 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. The landscape of the area was predominately rural in character comprising agricultural fields, scattered woods and village houses. The proposed use was incompatible with the existing rural landscape setting. Moreover, the site was paved and had no proper landscape treatment to alleviate the negative landscape and visual impact arising from the development on the surrounding areas. The Director of Agriculture, Fisheries and Conservation (DAFC) also did not support the application because the site was located within the “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural use such as nursery and greenhouse cultivation. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the statutory publication period of the application, one public comment from the Indigenous Inhabitant Representative of Tai Hang Village was received. The commenter strongly objected to the application because of environmental nuisance, adverse water quality impact on the WGG and adverse traffic impact likely to be caused by the development on the surrounding areas. 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 made in paragraph 12 of the Paper. According to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E),

the application site fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The application did not comply with the TPB PG-No. 13E in that no previous planning approval for similar open storage use had been granted for the site. Moreover, there were adverse comments from various Government departments and local objection against the application. CE/Dev(2), WSD objected to the application as he considered that car repairing and servicing activities in the site could have material increase in the pollution effect within the WGG. The application site fell within an area zoned “AGR” and the proposed use was 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. DAFC did not support the application from agricultural point of view as he considered that the application site had high potential for rehabilitation of agricultural use. CTP/UD&L, PlanD also objected to the application from the landscape planning point of view as the proposed development was not compatible with the existing rural landscape setting. DEP did not support the application as there was a sensitive use in the vicinity of the site and environmental nuisance was expected. There was also one local objection against the application on the grounds of protection of water quality in the WGG, environmental nuisance and traffic impact generated by the development on the surrounding areas. Furthermore, no similar planning application for temporary storage use within the same “AGR” zone had been approved before. Approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

21. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in compliance with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval for similar open storage use granted to the application site. There was no technical assessment in the submission to demonstrate that the temporary open storage use would not generate adverse impacts on the surrounding areas and there were adverse comments from concerned Government departments and local objections on the application;
- (b) the application site fell within the upper indirect water gathering ground (WGG) and the development could have material increase in pollution effect within the WGG;
- (c) the application 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, even on a temporary basis; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/NE-KLH/397 Proposed Three Houses
(New Territories Exempted Houses - Small Houses)
in “Village Type Development” and “Agriculture” zones,
Lots 315 S.E, 315 S.F and 315 S.G in D.D.9,
Kau Lung Hang San Wai, Tai Po
(RNTPC Paper No. A/NE-KLH/397)

23. The Committee noted that the applicant’s representative on 6.1.2010 requested for deferment of the consideration of the application for one month in order to allow time for preparation of further information in support of the application.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/297 Proposed Public Utility Installation (Electricity Substation)
in “Agriculture” zone,
Government Land, Junction of Shan Liu Road and Ting Kok Road,
Tai Po
(RNTPC Paper No. A/NE-TK/297)

Presentation and Question Sessions

25. 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) the proposed public utility installation (electricity substation);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site fell within the “Agriculture” zone and had high potential for agricultural rehabilitation. 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 (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed electricity substation was required to enhance the existing facilities and provide the electricity supply for future developments in the nearby villages. The proposed development was considered not incompatible with the surrounding landscape and rural setting, and no existing tree would be affected. Because of its small scale, the proposed development would unlikely cause adverse impacts on the surrounding areas. Although DAFC did not support the application from the agricultural point of view, the proposed electricity substation was a prefabricated enclosed structure occupying an area of less than 12m². Other concerned Government departments had no objection to or no adverse comments on the application.

26. In response to the Chairperson’s enquiry, Ms. Jessica K.T. Lee referred to Plans A-2 and A-3 of the Paper and said that the trees near the junction of Shan Liu Road and Ting

Kok Road would not be affected by the proposed development. The Chief Town Planner/Urban Design and Landscape, Planning Department had no concern on this aspect.

Deliberation Session

27. 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 15.1.2014, 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 condition :

- the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to apply to the Tai Po District Lands Office for construction and installation of the proposed substation under the relevant Block Licence and for excavation permit for implementation of the proposed development; and
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also 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.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/442 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 839 S.A ss.1 in D.D.26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/TP/442)

Presentation and Question Sessions

29. 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) a proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – no objection to or adverse comments on the application from concerned Government departments was received;
- (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 had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the footprint of the proposed Small House fell entirely within the ‘village environs’ of Wong Yue Tan Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Wong Yue Tan Village. Although the proposed Small House development was not in line

with the planning intention of the “Green Belt” zoning for the area, it was unlikely that the proposed Small House would have significant impact on the existing rural landscape of the area. It was also considered that the proposed Small House was generally compatible with the surrounding rural environment and would unlikely have any significant adverse environmental, drainage and traffic impacts on the surrounding areas. Concerned Government departments had no objection to/adverse comments on the application. There was also no local objection to the application.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.1.2014, 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; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater

collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The 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;

- (b) the applicant should note that no public sewerage connection was available for the site. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;
- (c) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the designated connection point of the 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 Water Supplies Department's standards;
- (d) the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (e) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (f) the applicant should note that the access adjacent to the subject site was not maintained by Highways Department;
- (g) the applicant should make necessary submission to the District Lands Officer/Tai Po to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56 (previously known as PNAP No.147). If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in

accordance with the provision of the Buildings Ordinance;

- (h) the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures :
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV 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.W. Chan and Ms. Jessica K.T. Lee, STPs/STN, for their attendance to answer Members’ enquires. They left the meeting at this point. Dr. C.N. Ng left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/312 Temporary Open Display of Crane Vehicles for Sale
for a Period of 12 Months in “Residential (Group B) 1” zone,
Lot 195 S.C RP in D.D. 121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/312)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (b) temporary open display of crane vehicles for sale for a period of 12 months;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 12 months based on the assessment in paragraph 12 of the Paper. According to the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E), the application site fell within Category 4 areas whereas applications would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The subject application was generally in line with TPB PG-No. 13E in that there were previous approvals at the site, approval conditions of the last previous application had been complied with, there were no adverse comments from relevant Government departments, and there was no local objection. Although the site was zoned "Residential (Group B)1" ("R(B)1") on the Outline Zoning Plan for medium-density residential developments, there was currently no development proposal concerning the site. Granting approval to this application on a temporary basis for a period of 12 months would not frustrate the long-term planning intention of the subject "R(B)1" zone. The development was not incompatible with the existing land use in the surrounding areas, which were mostly characterised by open storage yards, warehouse and vehicle repair workshops. Given the small scale (occupying 147m²) and temporary nature of the development, it was not expected that there would be any significant adverse traffic, drainage, landscape and visual impacts on the surrounding areas. In this regard, concerned Government departments did not have adverse comments on the application. In view of the small scale and nature of the operation, the applicant had already tried to relocate the operation by identifying suitable sites in Yuen Long, Tuen Mun and Lau Fau Shan but without success, and

approval conditions of the last previous application had been complied with, it was considered that sympathetic consideration could be given for a temporary approval for a further 12 months to allow the applicant continue to identify suitable sites for relocation. The applicant should be advised that no further renewal of approval would be given unless under very exceptional circumstances.

34. Members had no question on the application.

Deliberation Session

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 15.1.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no dismantling, repairing or other workshop activities were allowed at the application site at any time during the planning approval period;
- (b) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed at the application site during the planning approval period;
- (c) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, was allowed at the application site during the planning approval period;
- (d) the provision of the accepted 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 15.4.2010;
- (e) 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;

- (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 on the same date be revoked 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) a temporary permission had been granted for the site to facilitate the applicant to identify suitable sites for relocation. Sympathetic consideration was given to allow a further 12-month temporary planning permission. No further renewal of approval would be given unless under very exceptional circumstances;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (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 Environmental Protection Department to minimise any possible environmental nuisances; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised building works should be removed. All proposed building works were subject to compliance with Buildings Ordinance (BO). An authorised person must be appointed to co-ordinate all building works in accordance with the BO. The granting of planning approval should not be construed as an acceptance of the unauthorised

building works on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorised building works in the future.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/YL/169 Temporary Place of Recreation (including Outdoor Barbecue Area),
Eating Place, and Shop and Services (Retail of Frozen Food)
for a Period of 3 Years in “Open Space” zone,
Lots 4580, 4583 S.A RP, 4583 RP, 4584 RP and 4627 S.A RP
in D.D. 116, Tai Kei Leng Road, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL/169)

37. The Committee noted that the applicant requested on 18.12.2009 for a deferment of the consideration of the application for two months so as to allow more time for him to prepare supplementary information and report on environmental impact assessment and traffic impact assessment in order to further address departmental comments.

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/TM-LTY Y/190 Proposed Comprehensive Residential Development
(Amendment to Approved Master Layout Plan for Changing the
Public Open Space to a Communal Open Space for Residents of the
Proposed Residential Development)
in “Comprehensive Development Area” and “Green Belt” zones,
Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and
2527 RP (Part) in D.D. 130 and Adjoining Government Land,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/190)

39. The Secretary reported that the application was submitted by two subsidiary companies of Henderson Land Development Co. Ltd. (Henderson). Mr. Alfred Donald Yap declared an interest in this item as he had current business dealings with Henderson. As detailed in the Paper, the Planning Department (PlanD) recommended the Committee to defer consideration of the application for two months pending the Administration’s consideration on how to deal with the provision of proposed public open space which formed part of a private development approved by the Town Planning Board (TPB). As the Committee was requested to consider the recommendation for deferring the consideration of the application for two months, Members agreed that Mr. Yap could be allowed to stay at the meeting.

40. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD pending the Administration’s consideration on how to deal with the provision of proposed public open space which formed part of a private development approved by the TPB.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/194 Temporary Private Vehicle Park
(Private Cars and Light Goods Vehicles) for Villagers of To Yuen Wai
and Recreation and Village Affairs Centre for a Period of 3 Years
in “Village Type Development” zone and area shown as ‘Road’
Lots 538 S.B-L, 581(Part), 586 S.A-B, 586 S.C (Part) and 586 RP in
D.D. 130, To Yuen Wai, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/194)

Presentation and Question Sessions

41. Ms. S.H. Lam, STP/TMYL, informed Members that a letter was received from the applicant on 14.1.2010 stating that he was willing to liaise and discuss with the local residents to address their concerns. Copies of the letter were tabled at the meeting for Members’ reference. She also drew Members’ attention to a typo error in paragraph 11.3 of the Paper, which should read “goods vehicles” instead of “container vehicles”. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private vehicle park (private cars and light goods vehicles) for villagers of To Yuen Wai and recreation and village affairs centre with self-serviced car valeting facilities for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Tuen Mun (DLO/TM) commented that Small House applications on Lots No. 586 S.A to C, 538 S.B to K in D.D. 130 had been received. The Director of Environmental Protection (DEP) advised that two complaints regarding noise and water pollution on the subject site were received from January to October 2009. The Director of Food and Environmental Hygiene (DFEH) advised that he had received a letter from a villager of To Yuen Wai complaining that the vehicle washing and parking uses on the subject site had destroyed the

village character of the area and created noise nuisance until mid-night. The hygiene condition was adversely affected by the leakage of dirty water from the vehicle park. The Chief Engineer/Mainland North, Drainage Services Department commented that the site was in an area with no direct public stormwater drainage connection and the applicant should arrange his own stormwater collection and discharge system to cater for runoff generated within the site as well as overland flow from areas in the vicinity. Other concerned Government departments had no objection to/adverse comments on the application;

- (d) during the statutory publication period, two public comments objecting to the application were received. The first comment was from the village representative and 30 villagers of Lam Tei Tsuen. The second comment was from a local villager who had been living next to the application site for twenty years. They objected to the application mainly because of the noise, flooding and road safety problems generated by the operations on the application site. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The eastern part of the site was involved in two previously approved applications (No. A/TM-LTYT/154 and 184) for temporary private vehicle park (private cars) for a period of 3 years and temporary vehicle park (private cars and light goods vehicles) and recreation and village affairs centre for a period of 3 years. The current application involved a much larger area (about 82.4% larger than the previously approved application) and included a recreation and village affairs centre with car valeting (i.e. washing) facilities. Most of the site was zoned “Village Type Development” and intended for development of Small Houses by indigenous villagers and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. As advised by the DLO/TM, Small House applications had been received for part of the site. Approval of the

proposed development for 3 years would frustrate the Small House developments. Moreover, the two previous approvals were revoked on 7.12.2007 and 5.9.2009 respectively for failing to submit proposals to comply with the planning conditions. The applicant of the latter application (No. A/TM-LTYT/184) was already advised that sympathetic consideration might not be given to any further application if the approval was revoked again due to failure to comply with the conditions. As such, given the repeated failures for complying with conditions, there was doubt as to whether the negative impacts of the proposed development could be effectively addressed by imposition of conditions. Sympathetic consideration should therefore not be given to the current application. Moreover, both DEP and DFEH informed that they had received environmental related complaints on the application site. During the statutory publication period of the current application, two public objections to the application were received for reasons of noise, flooding and road safety. It was also noted that the site might affect the pedestrian access to village houses nearby. Besides, the northern part of the vehicle park was located very close to village houses. Although the Assistant Commissioner for Transport/New Territories, Transport Department and the Chief Highway Engineer/New Territories West, Highways Department had no objection to the application, there was a concern on possible pedestrian-vehicle conflict, especially when goods vehicles had been observed parking at the site. As such, the proposed development might have adverse environmental and road safety impacts to the surrounding developments.

42. In response to the Chairperson's enquiries, Ms. S.H. Lam referred to Plan A-2 of the Paper and said that the hatched area in the western part of the site was the lots with Small House applications received by Tuen Mun District Lands Office. Ms. Lam also clarified that as mentioned in paragraph 1.1 of the Paper, car valeting use was one of the proposed uses under the subject application.

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

Deliberation Session

43. The Chairperson stated that car valeting activities would involve disposal of water used for washing vehicles. However, the applicant did not submit any drainage proposal and there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas. The Chairperson suggested and Members agreed that an additional rejection reason, in addition to the rejection reasons as detailed in paragraph 12.1 of the Paper, to reflect the above should be stipulated.

44. Members also noted that compared with the two previously approved applications (No. A/TM-LTYT/154 and 184), which had been revoked for non-compliance with planning conditions, the current application involved a much larger site area (about 82.4% larger than the previous applications). Members considered that the last rejection reason as detailed in paragraph 12.1 of the Paper might not be applicable and should be removed.

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

- (a) the proposed development would frustrate development of Small Houses at part of the site and contravene with the planning intention of the “Village Type Development” zone;
- (b) the proposed development would cause adverse environmental and road safety impacts to the local residents; and
- (c) there was no information in the submission to demonstrate that the proposed development would not cause adverse drainage impacts on the surrounding areas.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/195 Temporary Open Storage of Scrap Metal and Waste Paper (for Recycling) with Ancillary Office and Weighing Station for a Period of 3 Years in “Residential (Group B) 1” zone, Lot 771 RP in D.D. 130 and Adjoining Government Land, Castle Peak Road, Lam Tei Section, Lam Tei, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/195)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal and waste paper (for recycling) with ancillary office and weighing station for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The site was zoned “Residential (Group B) 1” (“R(B)1”) on the Outline Zoning Plan. As no residential development proposal involving the site was received, approval of planning permission on a temporary basis would not frustrate the long-term planning intention of the “R(B)1” zone. The development under

the application was considered not incompatible with the surrounding land uses, which were predominantly open storage and workshop uses. It was unlikely that the development would create significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. In this connection, concerned Government departments had no objection to or no adverse comments on the application. There was also no pollution complaint received in the past three years. Moreover, the development was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that the site was the subject of three previous applications (No. A/TM-LTY Y/95, 138 and 178) for the same use for a period 3 years which were approved by the Board upon review with conditions on 18.10.2002, by the Committee on 19.5.2006 and 13.2.2009 respectively. All the approval conditions attached to the Applications No. A/TM-LTY Y/95 and 138 had been satisfactorily complied with by the applicant. Application No. A/TM-LTY Y/178 was revoked on 13.8.2009 for failing to comply with the submission of fire service installations (FSIs) proposals. However, the applicant had submitted a FSIs proposal to support the current application. Since the last approval (No. A/TM-LTY Y/178) was revoked due to non-compliance with the approval conditions in relation to FSIs, shorter compliance periods were proposed to monitor the progress of compliance. The applicant would also be advised that should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 6:30 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the landscape planting on the site should be maintained at all times, including replacement of dead plants, during the planning approval period;
- (d) the site paving and fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (f) 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 15.4.2010;
- (g) in relation to (f) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;
- (h) the submission of the condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect

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

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s);
- (b) shorter 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 note the comments of the District Lands Officer/Tuen Mun on the need to clarify whether the built-over-area, the height of the structures and Government land area under the application conform with the terms of Short Term Waiver No. 783 and Short Term Tenancy No. 1327;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the removal of all unauthorised building works/structure(s) existing on site. Authorised person should be appointed to co-ordinate and to submit demolition proposals to the Building Authority (BA) for approval, if so required under the Buildings Ordinance (BO). If new structures/building works were proposed for erection on site, the appointed authorised person should submit plans to the BA for approval prior to commencement of any new building works. The granting of the planning approval should not be construed as condoning to, toleration or indication of acceptance of any building works/structures existing on site under the BO and the allied regulations. If building proposals were submitted to the BA for approval, the site should be accessible from a road

of not less than 4.5m wide, otherwise the development intensity would be subject to application of Building (Planning) Regulation 19(3). Emergency Vehicular Access should also be provided according to Building (Planning) Regulation 41D;

- (e) to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Director of Fire Services on the submitted fire service installations (FSIs) proposal. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix IV of the RNTPC paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should not carry out any heavy pruning or topping on the rest of the existing trees and was also required to remove all the storage materials which had been placed around the trees so as to provide a better growing environment for the trees;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for provision of proper vehicle access for the site and follow the HyD’s standard drawings to match the existing pavement conditions. In addition, an interception channel should be provided at the entrance to prevent surface water flowing out from the site onto the public road/footpath via the run-in/out; and
- (i) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD on the need to comply with all statutory regulations for inflammable or dangerous goods as well as building and fire prevention. The MTR Corporation Limited (MTRCL) should be consulted

prior to the commencement of any construction or maintenance work. A height gauge should be installed outside the scrap yard for the prevention of clashing of jibs from crane lorries with the overhead lines. Sufficient space should be provided for the long and articulated vehicle to turn around so as to avoid the potential accident due to the traverse through the light rail junction (connecting Castle Peak Road – Lam Tei Section). Also, proper warning signs should be provided to remind the applicant's vehicles regarding the limited height restriction near the MTRCL's Emergency Access Point EAP26.

[Ms. Maggie M.K. Chan left the meeting and Mr. B.W. Chan left the meeting temporarily at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/383 Temporary Public Car/Lorry Park with Ancillary Facilities
(Including Canteen and Site Office) for a Period of 3 Years
in "Village Type Development" zone, Lots 153 (Part), 154 S.A (Part),
155 (Part), 156, 157 (Part), 194 (Part), 195 (Part), 196 (Part),
197 (Part), 198 S.B (Part), 198 R.P (Part) and 199 RP (Part) in D.D.102
and Adjoining Government Land, San Tin, Yuen Long

(RNTPC Paper No. A/YL-ST/383)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary public car/lorry park with ancillary facilities (including canteen and site office) for a period of 3 years;

- (c) departmental comments – concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years based on the assessment in paragraph 12 of the Paper. The development under application complied with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that it was located near the Lok Ma Chau Control Point and could satisfy some of the parking demand for cross-boundary travellers. Adverse environmental, traffic and infrastructural impacts were not anticipated on the surrounding areas. In this connection, concerned Government departments had no adverse comments on the application. The temporary public car/lorry park could also satisfy some of the local parking demand arising from the local villages in San Tin area. Given its temporary nature and that there was no Small House application received in respect of the concerned lots, the development under application would not frustrate the long-term planning intention of the subject "Village Type Development" zone. The public car/lorry park was also considered not incompatible with the surrounding land uses which were mixed with domestic dwellings, car parks and storage yards. While the site was located within the 'Wetland Buffer Area' as defined under the Town Planning Board Guidelines No. 12B for 'Application for Developments within Deep Bay Area', the Director of Agriculture, Fisheries and Conservation had no comment on the application. The site was also the subject of three approved applications (No. A/YL-ST/135, 245 and 315) for the same use and there was no major change in the planning circumstances in the area. For the planning permission granted under Application No. A/YL-ST/315, approval conditions had been complied with during the planning approval period. Approval of the current application was in line with the Committee's or the

Board's previous decisions. However, as there were village houses located in close proximity to the site, approval conditions restricting the operation hours, the types of vehicles and activities on-site as well as requiring maintenance of paving and boundary fencing and mitigation measures to minimise the nuisance of artificial lighting were recommended should the Committee decide to approve the application. It was also proposed to stipulate the approval conditions as recommended by the concerned Government departments.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) 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;
- (c) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) 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;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;

- (f) the mitigation measures to minimise the nuisance of artificial lighting on the site should be maintained at all times during the planning approval period;
- (g) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2010;
- (h) in relation to (g) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2010;
- (i) the implementation of reinstatement planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2010;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2010;
- (l) 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;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) 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 minimise potential environmental impacts on the surrounding areas;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lots within the 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; there were unauthorised structures straddling on Lots 155 and 157. Besides, two pieces of Government Land (GL) within the site were also occupied without approval from his office. He reserved the right to take enforcement/control action against the irregularities, if indeed found in due course; according to records, Short Term Waiver (STW) No. 3257 and 3258 permitting structures for the use of "ancillary use to public car or lorry park" and "ancillary use to temporary car park with ancillary office" on Lots 156 and 195 in D.D. 102 were approved by his office respectively; the registered owner(s) and the occupier(s) of lot(s) concerned should apply to his office for a STW/Short Term Tenancy (STT) to regularise the irregularities on-site. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease

enforcement/land control action against the registered owner(s)/the occupier(s) according to the prevailing programme of his office in this regard; and the ingress/egress of the site did not abut onto Castle Peak Road. The site was accessible through a piece of open GL. His office did not guarantee right-of-way nor provide maintenance works to the piece of GL;

- (e) to note the detailed comments of the Drainage Services Department as indicated in Appendix IV of the RNTPC paper;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant was advised to update the landscape layout and submit an as-planted plan for record. In addition, the applicant should properly maintain the existing vegetation on-site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that he was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – San Tin;
- (h) to note the comments of the Director of Fire Services that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of the RNTPC paper. The applicant should also note other advices of Fire Services Department in Appendix V of the RNTPC paper;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed; any temporary buildings were subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII; provision of emergency vehicular

access was applicable under the B(P)R 41D and access to the site under the B(P)R 5 was also applicable; formal submission under the BO was required for any proposed new works, including any temporary structures; if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; provision of disabled facilities was applicable under the B(P)R 72 and the Design Manual for Barrier Free Access 2008; and the granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found;

- (j) to note the advice of the Director of Food and Environmental Hygiene that a proper food licence issued by his department was necessary if any food business was open to the public; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix VI of the RNTPC paper.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-HT/658

Temporary Open Storage of Containers and Container Repairing Area for a Period of 3 Years in “Recreation” zone,
Lots No. 365 (Part), 370 S.B(Part), 383 (Part), 386 (Part), 387, 388 (Part), 389, 390, 391, 392 (Part), 393, 394 (Part), 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 403, 404, 405, 406 (Part), 407 (Part), 408, 409, 410, 411, 412, 413, 416 (Part), 423 (Part), 424 (Part), 425, 426, 427 (Part), 428 (Part), 430 (Part), 447 (Part), 450 (Part), 451 (Part), 452 (Part), 453 (Part), 454 (Part), 455, 456, 457 (Part), 458 S.A (Part), 458 S.B (Part), 458 S.C (Part), 459 S.A, 459 S.B, 460, 461, 462, 463, 464, 465, 466, 467, 468 S.A (Part), 468 S.B (Part), 472 (Part), 488 (Part) and 489 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/658)

54. The Committee noted that the applicant’s representative on 6.1.2010 requested for deferment of the consideration of the application for one month in order to allow more time for him to respond to departmental comments.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/199 Temporary Public Car Parking for Private Car and
Light Goods Vehicle for a Period 3 Years
in “Residential (Group C)” zone,
Lots No. 2858 S.A ss.1 (Part) and 2858 S.A RP in D.D. 129,
and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/199)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public car parking for private car and light goods vehicle 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 nearest one being less than 40m away), and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application on the grounds that the repeated revocations of the previous planning permissions reflected the applicant’s insincerity in complying with the approval conditions. The commenter also considered that the applied use would generate noise and dust nuisance to the nearby residents. 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. Although the temporary public car park was considered compatible with the approved temporary public vehicle park (under Application No. A/YL-LFS/195) to its northeast, and not in conflict with the planning intention of “Residential (Group C)” zone as it could serve the needs of residents in nearby villages to its north and west, the applicant should still demonstrate that all potential negative impacts/nuisances could be adequately mitigated. In this regard, approval conditions were included in the previous six approved applications (No. A/YL-LFS/53, 84, 94, 139, 145 and 170) for the similar parking use at the site. However, five of these approved applications were eventually revoked due to non-compliance with approval conditions. In granting permission to the last application (No. A/YL-LFS/170) on 4.1.2008, the Committee already granted shorter approval and compliance periods to monitor the situation of the site and the fulfilment of approval conditions. However, the applicant had not made any submission for the compliance of conditions and the permission was subsequently revoked after six months. In his current submission, the applicant had not demonstrated any intention to comply with the approval conditions imposed by the Town Planning Board. Against this background and noting the applicant's repeated failures to comply with the approval conditions of the previous planning permissions, there were doubts that the potential environmental impacts could be addressed. Moreover, it was noted that DEP did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected.

57. In response to the enquiry of the Chairperson, Mr. Anthony C.Y. Lee said that the last approved application (No. A/YL-LFS/170) was revoked due to non-compliance with approval conditions on the submission of a condition record of existing drainage facilities, the submission of tree preservation and landscape proposals, and the provision of a fire extinguisher for the site office.

Deliberation Session

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

- (a) the development would have adverse environmental impacts on the surrounding areas, and the submitted information could not demonstrate that the adverse environmental impacts could be mitigated; and
- (b) the application involved five previously revoked planning permissions due to non-compliance with the approval conditions. The applicant had not demonstrated any intention to comply with the approval conditions in the current submission.

Agenda Item 19

Section 16 Application

[Open Meeting]

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

59. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) with Ho Tin & Associates Consulting Engineers Ltd. (Ho Tin) as one of the Consultants for the application. Mr. Alfred Donald Yap and Dr. James C.W. Lau (who did not attend today’s meeting), having current business dealings with Henderson and Ho Tin respectively, had declared an interest in this item. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Yap could be allowed to stay at the meeting.

60. The Committee noted that the applicant's representative on 28.12.2009 requested for deferment of the consideration of the application for two months in order to allow additional time to address the comments of the Director of Environmental Protection.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/338 Temporary Open Storage of Second-hand Vehicles for Export
for a Period of 3 Years in "Agriculture" zone,
Lots 377 S.C RP (Part), 379 RP (Part), 380 (Part), 381 RP (Part),
382 (Part) and 414 (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/338)

Presentation and Question Sessions

62. 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) the temporary open storage of second-hand vehicles for export for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as sensitive receivers, i.e. residential structures, were found to the northwest and south of the 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 proposed open storage yard was against the planning intention of the “Agriculture” (“AGR”) zone and the activities associated with the proposed development would adversely affect the existing predominantly rural character. Approval of the application would set an undesirable precedent to similar planning applications in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the agricultural life in the vicinity of the site was active and the site could be rehabilitated for agricultural purposes;

- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application on the grounds that the site was for agricultural use and the proposed use was not in line with the original planned land use and would cause wastage of land resource and environmental pollution. 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 second-hand vehicles for export could be tolerated for a period of 1 year based on the assessment made in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses, which were characterised by open storage yards, scattered residential structures, a plant nursery, orchards, agricultural lots and vacant/unused land. DAFC did not support the application. A local objection commenting that the use under application was not in line with the original planned use had also been received. However, it was considered that the temporary nature of the development would not jeopardise future rehabilitation of the site for agricultural purposes and hence could be tolerated. According to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up

Uses' (TPB PG-No. 13E), the application site fell within Category 2 areas where planning permission could be granted to a maximum of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The current application was considered generally in line with TPB PG-No. 13E in that the relevant Government departments consulted, except DEP, DAFC and CTP/UD&L, PlanD, had no adverse comments on the application. While DEP did not support the application as there were residential structures located to the northwest and south of the site and environmental nuisance was expected, no environmental complaint had been received by DEP in the past three years. Besides, the proposed open storage of vehicles for export was a use, which generated relatively less environmental nuisances than other open storage uses. To monitor the situation on the site given a local objection on environmental ground had been received and to address the concern of 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 types of vehicles, prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and provision of boundary fencing were recommended should the Committee decide to approve the application. It was also recommended to stipulate an approval condition to address the concern of CTP/UD&L, PlanD on the possible adverse impact arising from the development and to stipulate approval conditions as recommended by concerned Government departments.

63. Members had no question on the application.

Deliberation Session

64. 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 15.1.2011, 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 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 provision of boundary fencing, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2010;
- (f) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2010;
- (g) in relation to (f) above, the implementation 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 15.7.2010;
- (h) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2010;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 15.4.2010;

- (j) in relation to (i) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period and compliance periods were granted so as to monitor the situation on the site and the progress of compliance with approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the registered owner of the lots should apply for Short Term Waiver

(STW) to regularise any proposed/existing structures on the site. Should no STW application be received/approved and structures persist on the site, his office, on review of the situation, would take appropriate lease enforcement action against the registered owner(s). Besides, the site was accessible to Kam Tai Road via long haul of an informal 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;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the proposed access between the site and Kam Tai Road should be checked with the lands authority. The management responsibilities of the same proposed access should be checked with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Fire Services 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 incorporating the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix V 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the DLO/YL or the relevant lot owners should be consulted as regards all the proposed drainage works to be carried out outside the lot boundary or the applicant’s jurisdiction;

- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;
- (j) 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
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Authorised Person must be appointed to coordinate all building works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/339 Temporary Open Storage of Excavators for a Period of 3 Years
in “Agriculture” zone,
Lots 381 RP (Part), 382 (Part) and 412 (Part) in D.D.110,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/339)

Presentation and Question Sessions

66. 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) the temporary open storage of excavators for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as residential structures were found to the southwest of the 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 temporary open storage yard was against the planning intention of the “Agriculture” zone and the activities associated with the use under application would adversely affect the existing predominantly rural character. Approval of the application would set an undesirable precedent to similar planning applications in the area. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the agricultural life in the vicinity of the site was active and the site could be rehabilitated for agricultural purposes;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application on the grounds that the site was a greenery site for agricultural use and the proposed use would spoil the environment. 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 excavators could be tolerated for a period of 1 year based on the assessment made in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses, which were characterised by open storage yards, scattered residential structures, a plant nursery, orchards, agricultural lots and vacant/unused land. DAFC did not support the application. A local objection commenting that the use under application was not in line with the original planned use for agricultural use and the development would spoil the environment had also been received. However, it was considered that the temporary nature of the development would not jeopardise future rehabilitation of the site for

agricultural purposes and hence could be tolerated. According to the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E), the application site fell within Category 2 areas where planning permission could be granted to a maximum of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The current application was considered generally in line with TPB PG-No. 13E in that the relevant Government departments consulted, except DEP, DAFC and CTP/UD&L, PlanD, had no adverse comments on the application. While DEP did not support the application as there were residential structures located to the southwest of the site and environmental nuisance was expected, no environmental complaint had been received by DEP in the past three years. To monitor the situation on the site given a local objection on environmental ground had been received and to address the concern of 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 types of vehicles, prohibiting maintenance, modification, cleansing or paint spraying activities were recommended should the Committee decide to approve the application. It was also recommended to stipulate an approval condition to address the concern of CTP/UD&L, PlanD on the possible adverse impact arising from the development and to stipulate approval conditions as recommended by concerned Government departments.

67. Members had no question on the application.

Deliberation Session

68. 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 15.1.2011, 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 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 maintenance, modification, cleansing or paint spraying activities were allowed on the site at any time during the planning approval period;
- (e) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2010;
- (f) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2010;
- (g) in relation to (f) above, the implementation 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 15.7.2010;
- (h) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2010;
- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2010;

- (j) in relation to (i) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;
- (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period and compliance periods were granted so as to monitor the situation on the site and the progress of compliance with approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the registered owner of the lots should apply for Short Term Waiver (STW) to regularise any proposed/existing structures on the site. Should no STW application be received/approved and structures persist on the site, his

office, on review of the situation, would take appropriate lease enforcement action against the registered owner(s). Besides, the site was accessible to Kam Tai Road via long haul of an informal 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;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the proposed access between the site and Kam Tai Road should be checked with the lands authority. The management responsibilities of the same proposed access should be checked with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department (HyD) that the application site would fall within the administration route protection boundary of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). If the storage use continued after 3 years and might extend to operation stage of the XRL, the applicant was advised to make reference to the comments in Appendix V of the RNTPC paper;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the

applicant was advised to make reference to the requirements in Appendix VI 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;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that DLO/YL or the relevant lot owners should be consulted as regards all the proposed drainage works to be carried out outside the lot boundary or the applicant's jurisdiction;
- (j) to note the comments of the Chief Highway Engineer/New Territories West, HyD that HyD was not/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;
- (k) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's satisfaction. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Authorised Person must be appointed to coordinate all building works.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/485 Proposed Temporary Open Storage of Freezer Vehicles,
Air-conditioned Compartments and Spare Parts of Cooling Machinery
Components for Vehicles for Sale, and Installation and Maintenance
Workshop for Freezer Vehicles for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part),
409 and 410 (Part) in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/485)

Presentation and Question Sessions

70. 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) the proposed temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures located to the north, southwest and southeast of the site, and environmental nuisance was expected. However, there was no environmental complaint received by DEP in the past three years. Other concerned Government departments had no objection to/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 (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles could be tolerated for a period of 1 year based on the assessment made in paragraph 12 of the Paper. The proposed development was considered not incompatible with the surrounding land uses, which were mixed with open storage yard, warehouse, parking lot, workshops, residential structures and vacant/unused land. Similar applications located within the same “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone had recently been approved by the Committee. As there was no known development programme for the “OU(RU)” site, it was considered that a temporary planning permission would not frustrate the planning intention of the “OU(RU)” zone on the Outline Zoning Plan. According to the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13E), the application site fell within Category 3 areas whereas applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications. The subject application was generally in line with the TPB PG-No. 13E in that the site was the subject of previous planning approvals for various open storage uses since 1998. Approval condition related to the provision of fire extinguisher under the last Application No. A/YL-KTS/427 had been complied with. In view of the relatively small scale of the proposed development, and that previous approvals had been granted and there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the subject application. To monitor the situation on the site and to address the concern of the DEP on the possible nuisance generated by the temporary use, it was recommended to grant a shorter approval period of one year and stipulate approval conditions restricting operation hours and prohibiting paint spraying activity should the

Committee decide to approve the application.

71. Members had no question on the application.

Deliberation Session

72. 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 15.1.2011, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no paint spraying activity should be carried out on the site during the planning approval period;
- (d) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2010;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2010;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.4.2010;
- (g) in relation to (f) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the

Director of Drainage Services or of the TPB by 15.7.2010;

- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2010;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that Letter of Approval (L of A) No. MT/LM 2588 and Modification of Tenancy (MOT) No. M11985 were issued over respective Lot 404 and Lot 405 RP permitting some structures erected thereon for agricultural purposes. All these structures had been demolished and his office would consider

cancellation of these L of A and MOT. The registered owner of the subject lots should apply for Short Term Waiver (STW) to regularise any proposed/existing structures on the site. Should no STW application be received/approved and structures persist on the site, his office, on review of the situation, would take appropriate lease enforcement action against the registered owner(s). Besides, the site was accessible to Kam Sheung Road via an informal track on private land without maintenance works to be carried out thereon by his office. The site was very close to a project of the Drainage Services Department (DSD) known as “Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement, Stage 1, Phase 2B-Kam Tin (Works Package C) Cheung Chun San Tsuen (Kam Tin) and Kam Tsin Wai (Pat Heung)”. Since the vehicular access to the site would pass through the DSD’s project site and then to Kam Sheung Road, relevant departments including DSD and Transport Department should be consulted. His office did not guarantee right-of-way;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that one young *Ficus virens* var. *sublanceolata* (大葉榕) with good condition was found within the site boundary and should be preserved;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the

applicant was advised to make reference to the requirements in Appendix V 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;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future. Authorised Person must be appointed to coordinate all building works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/253 Proposed Public Utility Installation (Electricity Package Transformers)
in “Village Type Development” zone,
Lots 5142 S.B ss. 14 and 5143 S.A in D.D. 116 and Lot 252 in D.D.
117, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/253)

Presentation and Question Sessions

74. 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) the proposed public utility installation (electricity package transformers) on the application site, which comprised two plots of land. They were shown as Site A (northern site) and Site B (southern site) on Plan A-2a and Plan A-2b of the Paper;
- (c) departmental comments – concerned Government departments had no objection to/adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from a local villager stating that the construction of the electricity package transformers on Site B would block the only access leading to his Lots (Lots 250, 251 and 253 in D.D. 117) . He further queried whether his and his family’s health would be affected if the substation was built. 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 made in paragraph 11 of the Paper. The proposed electricity package transformers were for the electricity supply of Small Houses in the vicinity and were essential facilities to serve the district. In view of the relatively small scale of the proposed transformers, they would unlikely cause significant and unacceptable environmental impact to the surrounding. In that regard, concerned Government departments including the Director of Environmental Protection and the Director of Electrical and Mechanical Services had no adverse comments on the application. To minimise the possible adverse landscape impact of the proposed development, it was recommended to stipulate an approval condition to require the submission and implementation of landscape proposal in the planning permission should the Committee decide to approve the application. With respect to the objection from the adjacent lot owner on the issue of blockage of access, it should be noted that Site B was a piece of private land owned by one of the applicants and it would not be reasonable to require him to provide access to other lots. Nevertheless, it was recommended to attach an advisory clause to advise the applicants to liaise with the commenter to address his

concerns. Regarding the commenter's query as to whether his and his family's health would be affected by the proposed electricity package transformers, the Director of Health commented that there was so far no substantive evidence of adverse effects being caused by exposure to extremely low frequency (ELF) magnetic fields, such as those generated by electrical facilities, below guideline levels. In this regard, it was recommended that an advisory clause to advise the applicants to provide sufficient protection to workers and the public from exposure to ELF magnetic fields, such as those generated by electrical facilities, be stipulated.

75. In response to the Chairperson's enquiry, Mr. Kepler S.Y. Yuen said that Site B was currently vacant and owned by one of the applicants. It was considered unreasonable to require this applicant to provide access to other lots.

Deliberation Session

76. 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 15.1.2014, 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 condition :

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

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

- (a) to liaise with the owner of Lots 250, 251 and 253 in D.D. 117 to address his concern on the blockage of connection between his lots;
- (b) to note the comments of the District Lands Officer/Yuen Long that the lots within the site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected

without prior approval from his office. The registered owners of the lots concerned should apply to his office for Short Term Waiver (STW) for the utility installation on the sites. Should no STW application be received/approved and irregularities were detected on the sites, his office would consider taking appropriate lease enforcement action against the registered owners;

- (c) 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 also be clarified and consulted with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicants should be responsible for their own access arrangement;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicants should take all precautionary measures to avoid damage of existing facilities and the applicants should verify the actual site condition by sub-surface explorations before carrying out any works. Free flow condition should be maintained before and after the proposed works. In the event of any damage to the existing public drainage system arising from the works, the applicants should be held responsible for making good the damage at their own cost and to the satisfaction of the Director of Drainage Services;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3). Any temporary buildings were subject to control under the B(P)R Pt. VII. Provision of emergency vehicular access was applicable under the B(P)R

41D, and access to the site under the B(P)R 5 was also required. Formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures;

- (g) to note the comments of the Director of Health that according to the World Health Organisation (WHO), guideline levels recommended by the International Commission on Non-Ionising Radiation Protection (ICNIRP) in “Guidelines for limiting exposure to time varying electric, magnetic and electromagnetic fields (up to 300GHz)” provide sufficient protection to workers and the public from exposure to extremely low frequency magnetic fields, such as those generated by electrical facilities. WHO encourages effective and open communication with stakeholders in the planning of new electrical facilities. Furthermore, low-costs ways of reducing exposures might be explored. It was advisable that compliance with the ICNIRP guidelines be verified by direct on-site measurements, should be performed by the applicants, upon commissioning of the 2 electricity package transformers; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-TT/254 Temporary Warehouse for Storage of Construction Materials and Household Goods for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 1872 (Part), 1873, 1874, 1875 S.A (Part) and 1875 RP (Part)
in D.D. 117 and Adjoining Government Land, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/254)

78. The Committee noted that the applicant’s representative on 28.12.2009 requested for deferment of the consideration of the application for a period of two months in order to allow him to have more time to address comments from Government departments and submit further information to substantiate the case.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/465 Temporary Open Storage of Construction Machinery and Material
for a Period of 3 Years in “Undetermined” zone,
Lots 2416 RP (Part), 2417 (Part) and 2418 (Part) in D.D. 120,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/465)

Presentation and Question Sessions

80. 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) the temporary open storage of construction machinery and material for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential uses to the east and south and in the vicinity of the site, and environmental nuisance was expected. Other concerned Government departments had no objection/adverse comments;
- (d) during the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application as the revocation of the last planning approval reflected the applicant's insincerity to comply with the approval conditions. Since the site was very close to residential dwellings, the noise and dust generated by the travelling of heavy vehicles might cause disturbance to the nearby residents. 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 machinery and material could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. According to the Town Planning Board Guidelines No.13E for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E), the subject site fell within Category 1 areas which were considered suitable for open storage and port back-up uses. Favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the

implementation of approval conditions. The application site was considered generally in line with TPG PG-No. 13E in that the concerns of relevant departments were technical in nature, which could be addressed through the implementation of approval conditions. The development was considered not incompatible with the surrounding areas. Although DEP did not support the application as there were sensitive receivers of residential uses to the east and south and in the vicinity of the site, there had not been any environmental complaint in the past three years. The imposition of approval conditions restricting the operation hours, prohibiting repairing, dismantling and workshop activities, and restricting the use of heavy goods vehicles were considered adequate to address DEP's concern. Moreover, other Government departments consulted generally had no adverse comments on the application. Although the site was zoned "Undetermined" ("U") on the Outline Zoning Plan, the area was generally intended for open storage use. The "U" zoning was designated mainly due to concerns of the capacity of Kung Um Road. In this regard, the Assistant Commissioner for Transport/New Territories, Transport Department had no adverse comments on the application. Approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. Nevertheless, although the current applicant claimed that he had no relationship with the applicant of the latest application (No. A/YL-TYST/390), which was revoked for non-compliance with approval conditions on the submission and implementation of FSIs proposal, shorter compliance periods were proposed to closely monitor the progress on compliance with the approval conditions.

Deliberation Session

81. Noting that there was currently an household residing at the site and the applicant had submitted a letter on 29.12.2009 (Appendix Ic of the Paper) indicating that he undertook to relocate this household should the planning application be approved by the Committee, Members discussed and agreed that an additional approval condition requiring the relocation of the household currently residing at the site should be added.

82. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing trees and landscape plantings 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 relocation of the household currently residing at the site, as proposed by the applicant, within 6 months from the date of planning approval;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2010;
- (i) in relation to (h) above, the provision of fire service installations within

6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2010;

- (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 the above planning condition (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;
- (l) 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
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might 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 comments of the District Lands Officer/Yuen Long that his office reserved the right to take enforcement against the erection of unauthorised structures, including converted containers, on the lots within the site if indeed found in due course. His office might also arrange to terminate Modification of Tenancy No. 21409, which was issued on 23.3.1978 to the owner of Lot 2416 in D.D. 121 to cover 3 domestic structures, if there were breaches of conditions of the permit. The registered lot owner concerned should apply to his office for Short Term Waiver (STW) to regularise the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owner. Moreover, the site was accessible through an informal village track on Government land/other private land. His office did not provide maintenance works to the track nor guarantee right-of-way;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the management and maintenance responsibilities of the road/path/track leading to the site should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should

resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;

- (j) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations proposal in Appendix V of the RNTPC paper;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised 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 unauthorised 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 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 on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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. W.M. Lam, Ms. S.H. Lam, Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, STP/TMYL, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Agenda Item 26

Any Other Business

84. There being no other business, the meeting was closed at 4:30 p.m..