

TOWN PLANNING BOARD

Minutes of 411th Meeting of the Rural and New Town Planning Committee held at 3:00 p.m. on 29.1.2010

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. S. Y. Lo

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

Ms. Maggie M.K. Chan

Mr. Rock C.N. Chen

Professor David Dudgeon

Mr. Timothy K.W. Ma

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 410th RNTPC Meeting held on 15.1.2010

[Open Meeting]

1. The draft minutes of the 410th RNTPC meeting held on 15.1.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed Meeting]

2. The minutes of this item were recorded under separate confidential cover.

Sha Tin, Tai Po and North District

[Ms. Jessica K.T. Lee and Ms. Doris S.Y. Ting, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Proposed Amendments to the

Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15

(RNTPC Paper No. 1/10)

3. Ms. Jessica K.T. Lee, STP/STN, presented the proposed amendments to the approved Ting Kok Outline Zoning Plan (OZP) and covered the following aspects as detailed in the Paper :

(a) Proposed amendments

- (i) on 15.8.2008, the RNTPC agreed in principle an application (No.

Y/NE-TK/4) to rezone a site (0.18 ha.) from “Agriculture” (“AGR”) to “Village Type Development” (“V”). The site, which was located to the northern fringe of the village proper of Ting Kok Village, was a piece of formed land currently used as a car park. As the site was well defined by the physical features of Shan Liu Road, a river course and the existing village cluster, it could be considered as a natural extension to the existing “V” zone of Ting Kok Village;

- (ii) on 27.2.2009, the RNTPC agreed in principle an application (No. Y/NE-TK/6) to rezone a site from “AGR” and “Green Belt” to “Other Specified Uses” annotated “Spa Resort Hotel” (“OU(SRH)”). The site comprised two sub-areas. Area (a) (about 3.33ha) would be used for the development of the spa resort hotel, while Area (b) (about 7,000m²) would be used for tree planting. A maximum plot ratio of 0.6, a maximum site coverage of 28% and a maximum building height of three storeys would be imposed to reflect the rezoning scheme. Area (b) would not be included into plot ratio/GFA/site coverage calculations. All uses in the “OU(SRH)” zone would be put under Column 2 so that planning permission for all uses would be required. Given the existing natural landscape and scenic quality of the Ting Kok area, to effect better planning control, the applicant would be required to submit a layout plan, showing the nature, position, dimensions and heights of all buildings to be erected at the site, and any other documents, including the landscape and urban design proposals, development programmes and various impact assessments, for the consideration of the Committee through the planning permission system. Area (b) would act as a buffer between the remaining “GB” zone and the proposed “OU(SRH)” zone; and
- (iii) a strip of land (about 0.33 ha) zoned “AGR” and “GB”, which was located between the proposed “OU(SRH)” zone and the adjacent “V” zone, was left behind after the rezoning proposal mentioned in para.

3(a)(ii) above. The strip of land was proposed to be rezoned to “V” as an extension to the “V” zone of Lo Tsz Tin to facilitate efficient use of land and provision of infrastructure and services.

- (b) departmental comments – the proposed amendments to the OZP had been circulated to the relevant Government departments for comments and their views had been incorporated where appropriate;
- (c) the Tai Po District Council (or its sub-committee) and the Tai Po Rural Committee would be consulted on the proposed amendments to the draft OZP shortly after exhibition of the draft OZP No. S/NE-TK/15A (renumbered as S/NE-TK/16 after gazetting) under section 5 of the Ordinance;

4. The Chairperson said that the proposed amendments were mainly to incorporate the two section 12A applications which were agreed in-principle by the Committee earlier.

5. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Ting Kok Outline Zoning Plan (OZP) No. S/NE-TK/15A as described in paragraph 3 of the Paper;
- (b) agree that the draft Ting Kok OZP No. S/NE-TK/15A at Annex B of the Paper (to be renumbered to S/NE-TK/16 upon gazetting) and the Notes of the draft OZP (relevant parts of the amended Notes were at Annex C of the Paper) were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Ting Kok OZP and to be issued under the name of the Board;
- (d) agree that the revised ES at Annex D of the Paper was suitable for

exhibition for public inspection together with the draft Ting Kok OZP; and

- (e) agree that the revised ES at Annex D of the Paper together with the draft Ting Kok OZP No. S/NE-TK/15A (to be re-numbered as S/NE-TK/16 upon exhibition) and its Notes were suitable for consultation with the Tai Po District Council and the Tai Po Rural Committee during the exhibition period of the draft OZP.

[Prof. Edwin Chan arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/298	Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Green Belt” zones, Government Land in D.D. 27, Sha Lan Village, Tai Po (RNTPC Paper No. A/NE-TK/298)
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Presentation and Question Sessions

6. 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 house (New Territories Exempted House - Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application as adverse landscape impact was anticipated. The site was covered with grass and some fruit trees at the foot of a well-vegetated knoll. The construction of the proposed Small House would require cutting of slope and felling of existing fruit trees. It was likely that the woodland trees on the slope to the immediate south of the

site would be affected during the site formation works. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) raised in-principle objection to the application as the site was located below steep natural hillside. The applicant was required to submit a Geotechnical Planning Review Report to support the application;

- (d) during the statutory publication period, two public comments against the application were received. One of the commenters worried that the proposed development would affect the fruit trees, while the other commenter, Designing Hong Kong Limited, objected to the application for the reason that the area was zoned “GB” and there was no sustainable village layout for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. Although the application site fell entirely within the ‘VE’ and there was a general shortage of land in meeting the Small House demand, the proposed development was not in line with the planning intention of the “GB” zone. In addition, the proposed development did not comply with the “Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance” (TPB-PG No. 10) as the site was situated at the foot of a well-vegetated knoll and covered with grass and some fruit trees and adverse landscape impacts were expected.

7. The Chairperson asked whether H(GEO), CEDD was concerned about the safety of the natural slope. Ms. Jessica Lee said that H(GEO), CEDD had in-principle objection to the application, unless the applicant submitted a Geotechnical Planning Review Report for his consideration. However, the applicant had not demonstrated the geotechnical feasibility of the proposed development.

Deliberation Session

8. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 13.1 of the Paper and agreed that they were appropriate.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve cutting of slopes and clearance of trees and natural vegetation that could cause adverse landscape impacts on the surrounding area. The applicant also failed to demonstrate that the proposed development would not adversely affect the slope stability; and
- (c) 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 and landscape quality of the area.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/443 Proposed “Wholesale Trade”
 in “Other Specified Uses” annotated “Business” zone,
 Units 1 to 4, 11/F, Block 4, Tai Ping Industrial Centre,
 51A Ting Kok Road, Tai Po
 (RNTPC Paper No. A/TP/443)

Presentation and Question Sessions

10. 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 “wholesale trade”;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as “wholesale trade” was considered as a kind of commercial use which would attract larger number of visitors who were not familiar with the industrial building. They would be exposed to higher risks inside the industrial building which they would not be aware of or prepared to face;
- (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 did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The proposed use was not in line with the Town Planning Board Guidelines for the Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) as it was considered unacceptable from a fire

safety point of view.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from a fire safety point of view.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/98 Temporary Vehicle Repair Workshop For a Period of 3 Years
in “Agriculture” zone,
Government Land in D.D. 51, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/98)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was considered suitable for operation of nursery garden and had high potential for agricultural purpose. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation

on the application as many fruit trees/common trees were found along and outside the site boundaries. The use under application was considered not compatible with the existing rural landscape character as the application site was adjacent to Ng Tung River to the west and in close proximity to fruit trees, a grave and fallow land in the south;

- (d) District Officer (North) reported that one of the villagers supported the application but cautioned that the vehicles to be generated by the proposed development should take note of pedestrian safety and should not obstruct pedestrian passage. Another villager objected to the application on the ground that illegal parking of vehicles might obstruct the access road; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The development under application was not in line with the planning intention of the “AGR” zone. There were also a number of domestic structures in the surrounding area with the nearest one to the immediate north of the site and others located 25 m to 30 m away from the site. In this regard, environmental nuisance to the local residents was anticipated. Besides, as the application site was adjacent to Ng Tung River to the west, and there were existing fruit trees in the south, the use under application was not compatible with the existing rural landscape character. The current application with no previous approval and with adverse departmental concerns should not be approved.

14. The Chairperson asked how long the application site had been used for the vehicle repairing workshop. Ms. Doris Ting replied that according to the file records, the workshop was not an “existing use”. However, there was no information on when the workshop began operation and there was no previous application at the subject site.

Deliberation Session

15. A Member asked whether the workshop had applied for business registration. Ms. Doris Ting replied that no information on business registration had been submitted by the

applicant.

16. Members generally agreed that the application should not be approved. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 12.1 of the Paper and agreed that they were appropriate. The Chairperson said that the PlanD should examine whether enforcement action should be undertaken against any unauthorized development on site.

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

- (a) the use under application was not in line with the planning intention of the “Agriculture” zone for the area which was primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The use under application was not justifiable for a departure from the planning intention even on a temporary basis;
- (b) the use under application was not compatible to the surrounding land uses which comprised a number of domestic structures and some fruit trees; and
- (c) there were a number of domestic structures in the vicinity of the application site. The use under application would create environmental nuisance to the local residents.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/NE-KTS/285 Temporary Office and Freight Forwarding (Logistics Centre)
with Ancillary Vehicle Parking Facilities for a Period of 3 Years
in “Agriculture” zone,
Lot 1363 in D.D. 100, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/285)

18. The Committee noted that on 13.1.2010, the applicant requested for deferment of the consideration of the application for two months until 29.3.2010 in order to allow more time for the applicant to prepare supplementary information to address the departmental comments.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/407 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1605 in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/407)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site with good accessibility had a high potential for agricultural rehabilitation such as open cultivation and nursery use. The Chief Engineer/Development(2), Water Supplies Department advised that as there were existing water mains/waterworks on the footpath within the application site, free access should be made available at all time for the purpose of laying, repairing and maintenance of water mains;
- (d) during the statutory publication period, one public comment was received. The commenter, Designing Hong Kong Limited, objected to the application on the grounds that part of the application site was zoned “AGR”; there was no sustainable village layout plan; and the application site was in the middle of paths currently used by villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. Although the proposed Small House development was not in line with the planning intention of the “AGR” zone, the application site was located at the fringe of Kan Tau Tsuen and was a piece of vacant grass land. Similar use, such as low-rise residential/village houses, could be found in the vicinity and the proposed use was considered not incompatible with the adjacent village setting. Moreover, similar applications in the vicinity of the application site had also been approved. The application generally complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” as the footprint of the proposed Small House fell entirely within the ‘VE’ of

Kan Tau Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Kan Tau Tsuen. As the application site was located at the end of an existing village track, the applicant should be advised that the diversion of the village track at his own cost might be required.

21. Members had no question on the application.

Deliberation Session

22. 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 29.1.2014, 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 and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of firefighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

23. The Committee also agreed to advise the applicant:

- (a) to note the Chief Town Planner/Urban Design & Landscape of Planning Department’s comment that landscape planting should be provided along the perimeter of the application site for screening and greening to the proposed development;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department’s

comments that:

- (i) as there were existing water mains / waterworks on the footpath within the application site accessible by the public, free access should be made available at all time for the Water Authority and his officers and contractors, his or their workmen to the application site with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains;
 - (ii) the application site was located within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that an agreement on the access arrangement amongst all parties concerned should be reached;
- (d) to note the District Lands Officer/North, Lands Department's comment that the applicant might be required to divert the track / footpath at his own costs up to the Government's satisfaction as an approval condition if the proposed Small House was approved by his department; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/332 Temporary Open Storage of Construction Equipment, Machinery and Materials with Ancillary Caretakers' Quarters for a Period of 3 Years in “Agriculture” zone,
Lot 1091 (Part) in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/332)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction equipment, machinery and materials with ancillary caretakers' quarters for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the peach blossom gardens were located not distant from both sides of the application site. Agricultural activities in the vicinity of the application site were still active and there was a high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the development was not compatible with the surrounding landscape character. The unauthorized open storage activities had led to the loss of greenery, resulting in significant adverse landscape impact. There were also no landscape mitigation measures proposed in the submission. District Lands Officer/North, Lands Department did not support the application as the lot owner had not applied for a Short Term

Waiver to regularize the erected structure. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) commented that the village track was narrow and not suitable for use by medium/heavy goods vehicles;

- (d) the District Officer (North) reported that an objection was raised by the Vice-Chairman of Ta Kwu Ling District Rural Committee as the planning and development of the district might be affected by the application and the application would not be compatible with the overall local development; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The development under application was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. The application site fell within the Category 3 area under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). As the applicant had failed to demonstrate genuine efforts to comply with any of the approval conditions of the previous application (No. A/NE-TKL/307) and there was no relevant technical assessment or proposal in the current submission to demonstrate that the proposed uses would not generate adverse traffic, visual, landscaping and environmental impacts on the surrounding areas, it was considered that sympathetic consideration should not be given to the application. There had been no other similar application in the same “AGR” zone to the east of Ping Che Road approved by the Board. Approval of the application would lead to sporadic and undesirable infiltration of similar open storage use into the “AGR” zone.

25. Members had no question on the application.

Deliberation Session

26. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 13.1 of the Paper and agreed that they were appropriate.

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

- (a) the proposed use was not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the proposed use did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that the applicant had failed to demonstrate genuine efforts in compliance with approval conditions of the previous planning application and had failed to include in the fresh application relevant technical assessments/proposals to demonstrate that the proposed use would not generate adverse landscaping and environmental impacts on the surrounding areas and there were adverse departmental comments against the application.

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

Sai Kung and Islands District

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/34 Proposed Temporary Shop and Services for a Period of 5 Years
in “Comprehensive Development Area” zone,
10/F, One Citygate, 20 Tat Tung Road, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/34)

28. The Secretary reported that the application was submitted by a consortium of Hang Lung Development, Henderson Land Development Co. Ltd. (HLD), New World Development, Sun Hung Kai Properties (SHKP) and Swire Properties. Mr. Donald Yap had declared interests in this item as he had current business dealings with HLD and SHKP. Mr. Y. K. Cheng had also declared interests as he had current business dealings with SHKP.

[Messr. Donald Yap and Y. K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services for a period of 5 years;
- (c) departmental comments – the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) commented that if the application was approved, the total retail GFA would exceed the maximum permitted retail GFA in the lease by 1,673.603m². The applicant should apply to DLO/Is, LandsD for a temporary waiver for the excessive retail GFA. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to the application subject

to the provision of parking facilities and traffic arrangement measures to his satisfaction. Since the submitted Traffic Impact Assessment covered the period up to 2014 only, further extension of the proposal beyond 2014 should not be considered unless a new Traffic Impact Assessment was carried out. The Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department had no objection to the application subject to compliance with the relevant regulations on structural and fire safety;

- (d) during the statutory publication period, two public comments were received. They objected to the application for the reasons that the proposed change from office to shop and services use might create a completely different feel and image to the office building and damage the image of the existing tenant. Additional traffic would be generated which would disturb the office building, and the main exit doors of the subject building were not convenient to the public. The District Officer(Islands) reported that the Mutual Aid Committees of Tung Ma House, Tung Shing House, Tung Po House as well as Tung Chung Crescent Residential Owners Sub-committee, the Incorporated Owners of Yu Tung Court, Seaview Crescent Owners' Sub-Committee, Coastal Skyline Owners' Sub-committee, Caribbean Coast Owners' Sub-committee and the relevant District Council Members had been consulted. Four replies had been received, one of which supported the application and the other 3 had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The temporary shop and services use at the application premises was not incompatible with the uses of the subject development which mainly comprised commercial use of retail outlets at the lower 4 floors and office use on the upper floors. The proposed shop and services would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. As the application premises had been vacant since the completion of the development, the proposed shop and services use of the application premises would utilize the vacant floor space efficiently. The temporary permission for a period of 5 years would

not frustrate the original intention of the application premises for office purpose. The temporary conversion from office to shop and services use would also be within the non-domestic GFA restriction for the “CDA” zone. In view of the comments of AC for T/NT, TD, an approval condition requiring the applicant to deploy management measures to divert the traffic was recommended and the planning permission was suggested to be valid until end 2014 instead of the 5 years requested by the applicant. Regarding a commenter’s concern on the feel and image of the building, it should be noted that the lower 4 floors of the subject building was a shopping mall. The proposed temporary shop and services use was not incompatible with other uses in the subject development. The other commenter’s concern on the exit doors of the subject building was not directly related to the application premises.

30. A Member asked whether the other floors of the subject building were being used for office purposes and whether the applicant had any intention to convert the other floors for shop and services use. Ms. Margaret Lam replied that two floors of the subject building were used for office purposes, and the remaining floors were vacant. No planning application had been received for other floors.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis up to 31.12.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of parking facilities and traffic arrangement measures to meet the needs of the proposed shop and services use to the satisfaction of Commissioner for Transport or of the TPB;
- (b) the submission of fire service installations proposal in the subject premises, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;

- (c) in relation to (b) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010; and
- (d) if any of the above planning conditions (b) or (c) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

32. The Committee also agreed to advise the applicant:

- (a) to note the District Lands Officer/Islands' comment on the need to apply for a temporary waiver for the excessive retail Gross Floor Area from her office to effect the proposed change of use;
- (b) to consult the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department to ensure that the change in use would comply with the Buildings Ordinance, in particular, the structural adequacy and compatibility of existing structure for shop use would comply with Building (Construction) Regulation 17; the minimum exit door width would be 1050mm; and the fire resisting construction for separation between office and shop would comply with Building (Construction) Regulation 90 and paragraph 8.1 of Code of Practice for Fire Resisting Construction 1996; and
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that further extension of the proposal beyond 2014 should not be considered because the estimated traffic impact assessment only covered the period up to 2014. Further extension of the proposed development beyond 2014 should not be considered unless a new Traffic Impact Assessment was carried out, which could substantiate an acceptable cumulative traffic impact arising from the application and other new developments in the area. Therefore, the planning permission was suggested to be valid until end 2014 instead of 5 years as requested by the

applicant.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/SK-HC/176 Proposed Public Utility Installation (Package Substation)
in “Village Type Development” zone,
Government Land in D.D. 244, Ho Chung New Village, Sai Kung
(RNTPC Paper No. A/SK-HC/176)

33. The Committee noted that on 12.1.2010, the applicant requested for deferment of the consideration of the application for two months in order to allow more time for the applicant to address local concerns and public comments on the application.

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/170 Temporary Eating Place (Outside Seating Accommodation of Restaurant Only) for a Period of 3 Years in area shown as ‘Road’, Government Land Adjoining No. 183D, Po Tung Road, Lot 780RP in DD 215, Sai Kung
(RNTPC Paper No. A/SK-PK/170)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation (OSA) of restaurant only) for a period of 3 years;
- (c) departmental comments – the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) commented that the site might be affected by the road project ‘Dualling of Hiram’s Highway from Marina Cove to Sai Kung Town’. The road alignment and layout would be subject to investigation. The tentative programme of the above-mentioned project was to commence in December 2013 for completion in December 2016;
- (d) during the statutory publication period, two public comments were received. Both of them supported the application as the commenters considered that the development would not create any obstruction or nuisance and would help promote tourism in Sai Kung; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper.

The subject site was designated as 'Road' and might be affected by the road project 'Dualling of Hiram's Highway from Marina Cove to Sai Kung Town' (Plan A-1). The project was tentatively scheduled to commence in December 2013. The temporary OSA use for three years up to January 2013 would not frustrate the planning intention of the application site and the implementation of the road improvement works would not be affected. The OSA was previously approved by the Committee in 2002 and 2006, and had been operating as part of an existing restaurant on the ground floor of the adjoining house. It was compatible with the existing commercial uses on the ground level of the nearby houses. There had been no change in planning circumstances since the approval of the previous application. Given its small-scale operation (about 21m²), the OSA would unlikely cause significant adverse traffic, drainage and environmental impacts on the surrounding areas.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, on the terms of the application as submitted to the Town Planning Board.

38. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the Site;
- (b) to apply to the District Lands Officer/Sai Kung for a short term tenancy to effect the outside seating accommodation (OSA);
- (c) to return the Government land within the Site upon demand by the District Lands Officer/Sai Kung without delay when the road project involving the Site was implemented in future;

- (d) to note the Assistant Commissioner for Transport/New Territories' requirements that the OSA should not obstruct pedestrian circulation, traffic aids and sightlines of vehicles/pedestrians, and the applicant should modify the OSA layout when required by the Government;
- (e) to submit an application for a restaurant licence to the Director of Food and Environmental Hygiene for approval; and
- (f) to allow free access at all times for the Drainage Services Department to undertake maintenance of the public sewers beneath the Site.

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

[Dr. C. N. Ng left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 13

Section 16 Application

[Open Meeting]

A/TM-SKW/65 Temporary Barbecue Area for a Period of 3 Years
in “Village Type Development” zone,
Lots No. 263 S.B (Part) and 268 (Part) in D.D. 385 and
Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/65)

39. The Committee noted that on 13.1.2010, the applicant requested for deferment of the consideration of the application for two months so as to allow time to address comments of Government departments and prepare further information to substantiate the application.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/385 Temporary Retail of Second-Hand Private Cars for a Period of 3 Years
in “Village Type Development” zone,
Lots 125 S.CRP (Part), 220 RP (Part), 231 RP (Part) and 306 RP (Part)
in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/385)

Presentation and Question Sessions

41. 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 retail of second-hand private cars for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;

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

- (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 development could be tolerated based on the assessments given in paragraph 12 of the Paper. Although the site was zoned “Village Type Development” (“V”), there had not been Small House application for the subject site. Approval of the application on a temporary basis would not frustrate the long-term planning intention. The temporary retail of second-hand private cars was not incompatible with the surrounding land uses mixed with domestic dwellings and car parks. Given the nature and the small scale of the development (accommodating a total of nine second-hand private cars on-site for sale), the traffic, environmental, drainage and landscape impacts would not be significant. No environmental complaint against the site had been received in the past 3 years. To minimize any potential environmental nuisance to nearby residents, relevant approval conditions had been recommended. The site fell within Category 4 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was considered generally in line with the TPB Guidelines No. 13E

considering there were previous approvals for temporary uses at the site and no local objection had been received. There were also no departmental objection/adverse departmental comments and the departmental comments could be addressed through approval conditions. However, according to the TPB Guidelines No. 13E, a maximum period of 2 years might be allowed in Category 4 areas. A two-year approval, instead of the 3 years sought, was recommended to allow time for the applicant to relocate to another suitable location. Shorter compliance periods were also proposed to monitor the progress of compliance should the Committee decide to approve the application.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 29.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;

- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2010;
- (g) the implementation of compensatory planting based on the landscape proposal approved under Application No. A/YL-ST/127 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2010;
- (h) 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 29.4.2010;
- (i) in relation to (h) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

44. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that a shorter approval period of two years was granted so as to allow time for the applicant to relocate the use to another suitable location. No further renewal of planning permission would be allowed unless under very exceptional circumstances;
- (c) that shorter compliance periods were allowed to monitor the progress on 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;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental nuisance to nearby residents;
- (f) to note the District Lands Officer/Yuen Long's comments 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. Short Term Waiver (STW) No. 2580 and Short Term Tenancy (STT) No. 1731 had been issued by his Office for the purpose of "ancillary use to retail shop for ironmongery" and "open storage ancillary to retail shop for ironmongery" respectively. Should there be any deviations from the permitted STW/STT conditions, his Office would reserve the right to take appropriate action against the irregularities if indeed found in due course. His Office did not provide

maintenance works to the Government Land involved nor guarantee right-of-way at any circumstances;

- (g) to note the Drainage Services Department's detailed comments were indicated in Appendix V of the Paper;
- (h) to note the Director of Fire Services' comments that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating the FSI proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix VI of the Paper. The applicant should also note other advice of Fire Services Department in Appendix VI of the Paper;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; use of containers as office, and store were considered as temporary structure and subject to control under Building (Planning) Regulations Pt. VII; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required; and
- (j) to note the Director of Electrical and Mechanical Services' comments that there was an existing town gas high pressure transmission pipe running along San Tin Highway and the pipe was near (but outside) the south-east boundary of the site. As such, the applicant should note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger From Gas Pipes and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the

site and the minimum set back distance away from the gas pipelines during the design and construction stages of development under application.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/27 Proposed Pond Filling for Agricultural Use
in “Coastal Protection Area” zone,
Lot 121 RP (Part) in D.D. 133, Ha Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/27)

45. The Secretary reported that the World Wild Fund Hong Kong (WWF HK) had submitted comments on the application. Prof. David Dudgeon had declared interests on this application as he was a trustee and a member of the Management and Development Committee of WWF HK. The Committee noted that Prof. Dudgeon had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed pond filling for agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application because it would result in the loss of wetland, and might cause disturbance impact to the sensitive habitats due to construction and operation of the proposal. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in-principle to the proposed development. The applicant was required to carry out a Drainage Impact Assessment (DIA)

and to provide and maintain the flood mitigation measures proposed in the DIA to his satisfaction. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as fish ponds were important landscape resource. The waterscape with the surrounding natural landscape contributed to the specific landscape character of the “CPA” zone. It was unlikely that the proposed pond filling would have no adverse impact on the existing landscape environment. Approval of the application would also set an undesirable precedent to other similar applications in the area leading to further pond filling and degradation of the landscape quality of the area;

- (d) during the statutory publication period, public comments from two environmental groups, namely Kadoorie Farm and Botanic Garden Corporation and WWF HK, were received. They objected to the application for the reasons that the pond filling would cause a direct loss of large piece of wetland habitat in Outer Deep Bay. The pond filling might also adversely affect the breeding of herons at Ha Pak Nai; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 11 of the Paper. The “CPA” zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. Filling of ponds might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. Although the applicant claimed that the site had to be reinstated back to agricultural land for returning to the land-owner according to the tenancy agreement, the fulfilment of such an agreement between two private parties could not be taken as a ground for approval of the application. There were fish ponds to the immediate north-east, south-west and east of the site. Approval of the application would encourage other similar applications of pond filling in these areas and set an undesirable precedent. The cumulative impacts of approving such similar applications would eliminate the cluster of fish ponds within the “CPA” zone and the adjacent “AGR” zone and result in a general degradation to the natural environment, ecology and landscape

quality of the Deep Bay coastal area.

47. Members had no question on the application.

Deliberation Session

48. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 12.1 of the Paper and agreed that the reasons were appropriate.

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

- (a) the proposed pond filling would cause the loss of wetland both in terms of area and function, and have adverse ecological and landscape impacts on the Deep Bay coastal area;
- (b) there was no information in the submission to demonstrate that the proposed pond filling would not have adverse drainage impact on the surrounding area; and
- (c) there had been no previous approval for pond filling within the subject “Coastal Protection Area” zone. Approval of the application would set an undesirable precedent and encourage similar applications within the zone leading to the degradation of the environment, ecology, drainage, and landscape quality in the Deep Bay area.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/314 Temporary Open Storage of Construction Materials and Machineries for a Period of 3 Years in “Undetermined” zone,
Lots 1630 RP, 1631 RP (Part), 1633 RP (Part), 1634, 1635 RP,
1635 S.ARP, 1636 RP (Part), 1712 RP (Part), 3206 RP, 3225 RP,
3226 RP, 3228 RP, 3230-3235, 3236 RP (Part), 3237 (Part),
3238 RP (Part), 3239 (Part), 3240, 3241 (Part), 3244 (Part),
3246 (Part), 3247 (Part), 3339 (Part), 3340-3350, 3351 RP, 3352 RP,
3370-3376 in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/314)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and machineries for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and/or access road and environmental nuisance was expected;
- (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 development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. Although the application

site might be affected by the proposed Hung Shui Kiu New Development Area, the study programme had yet to be fixed, and therefore approval of the application on a temporary basis would not pre-empt the future land use of the subject “U” zone. The development was not incompatible with the surrounding land uses which were mainly a mix of open storage yards and vacant areas. The site was also the subject of three previously approved applications for the same use, the last of which (No. A/YL-PS/264) was approved with conditions by the Committee for a period of 3 years until 2.2.2010 and all the approval conditions had been complied with. There had not been any material change in planning circumstances since the previous temporary approval was granted. The site fell within Category 2 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was in line with the Guidelines in that the site was granted with previous approvals for the same use and the applicant had complied with the approval conditions in the latest application. To address DEP’s concerns, relevant approval conditions had been recommended to mitigate any potential environmental impacts. Although there was one noise nuisance complaint in 2009 which was related to noise from a refrigerator at the site, mitigation measures had been taken to the satisfaction of the complainant.

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 29.1.2013, 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. to 9:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed at the site during

the planning approval period;

- (c) no dismantling, repairing or other workshop activities were allowed at the site at any time during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the approval period;
- (e) the existing drainage facilities as previously implemented on site under planning application No. A/YL-PS/264 should be maintained at all times during the approval period;
- (f) the submission of the condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2010;
- (g) the provision of peripheral fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2010;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (i) in relation to (h) 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 29.10.2010;
- (j) 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;

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

53. The Committee also agreed to advise the applicant:

- (a) that the permission was given to the use/development under application. It did not condone any other use/development (including open storages of recycling materials and tyres) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long's comments that the vehicular access to the site would require passing through other private land leading from Yick Yuen Road and his office did not guarantee right-of-way. The registered owner of the lot concerned should apply to his office for Short Term Waiver (STW) to regularise the above irregularities. Should no STW application be received/approved and the irregularities persisted on site, his office would consider taking appropriate lease enforcement action against the registered owners;
- (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;

- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that HyD should not be responsible for the maintenance of any access connecting Yick Yuen Road and the site;
- (f) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised building works should be removed. All proposed building works were subject to compliance with Buildings Ordinance (BO). An authorised person had to 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; and
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's comments that no structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/315 Temporary Cultivation Ground for a Period of 2 Years
in “Open Space”, “Residential (Group A) 2” and
“Comprehensive Development Area” zones,
Government Land near Aster Court in Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/315)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary cultivation ground for a period of 2 years;
- (c) departmental comments – the Director of Leisure and Cultural Services had no in-principle objection to the planning application. The application site fell within the boundary of an ex-Regional Council project, namely “Hung Shui Kiu Town Square”. The proposed temporary cultivation ground for a period of 2 years would strike a balance between possible long-term requirement for development by Yuen Long District Council (YLDC) and the temporary gainful use of the vacant Government land. He might resume the land by giving advance notice without compensation when YLDC decided to kick off the development programme for the “Hung Shui Kiu Town Square”;
- (d) during the statutory publication period, five public comments were received. A member of YLDC objected to the application for the reason that the subject “O” site should be developed for open space use as a priority. The Chairman of Incorporated Owners of Beauty Court with 54 signatures from the residents, the Coronet Court Owners’ Committee, and the Incorporated

Owners of Aster Court objected to the application and requested the Government to implement the open space as early as possible. The Chairman of Incorporated Owners of Beauty Court also pointed out that the applicant under application No. A/YL-PS/198 should be responsible for the design, provision and maintenance of the subject open space development. A resident of Coronet Court objected to the application on the grounds that the proposed development would generate adverse traffic impact to the ingress/egress of Coronet Court, odour and noise nuisance, and insect and mosquito problems; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of two years based on the assessments given in paragraph 11 of the Paper. Although the site fell within the “Hung Shui Kiu Town Square”, the development programme was yet to be determined by YLDC. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the subject “O”, “R(A)” and “CDA” zones. The development, which was mainly for recreational hobby farming, was not incompatible with the surrounding medium-rise residential developments. It was unlikely that the development would create significant adverse environmental, drainage and landscape impacts on the surrounding areas. To address possible environmental concerns, relevant approval conditions had been recommended. As regards the local concerns on the development programme of the open space and the adverse traffic and noise impacts, it should be noted that approval of the application would not frustrate or delay the development of the subject “O” zone. Transport Department had no objection to the application from a traffic engineering point of view and the Director of Agriculture, Fisheries and Conservation considered that the cultivation ground under good management would not cause nuisances in odour, noise and insect/mosquito breeding. It should also be noted that application No. A/YL-PS/198 as quoted by one of the commenters had lapsed on 4.2.2009. Since there were concerns from many local residents, the applicant should be advised to explain the development proposal to them.

55. Members had no question on the application.

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

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 29.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no public announcement system, loudspeaker or any form of audio amplification system, as proposed by the applicant, was allowed to be used on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2010;
- (e) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2010;
- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.10.2010;

- (g) the submission of fire service installation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010;
- (i) 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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

57. The Committee also agreed to advise the applicant:

- (a) to note the District Lands Officer/Yuen Long's comments that the applicant should be reminded to apply to his office for a Short Term Tenancy for the Government land involved in accordance with the approved scheme;
- (b) 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;
- (c) to note the Assistant Commissioner for Transport/New Territories,

Transport Department's comment that the drop-off/pick-up of the vehicles for transporting the participants on Hung On Lane should not adversely affect the traffic condition there-at;

- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comment that the applicant should be reminded to provide adequate drainage measures along the site boundary to prevent surface water flowing from the site onto the nearby public footpaths and drains;
- (e) to note Director of Leisure and Cultural Services' comment that he might resume the land by giving advance notice without compensation when Yuen Long District Council would like to kick off the development programme of the planned open space at the site. There should be physical barrier to demarcate and separate the adjoining Ping Shan Area 1 Hung Shui Kiu Sitting Out Area to the subject site from interfering with each other's activities;
- (f) to note the Director of Fire Services' comments that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. In formulating FSIs proposal for the proposed structures, the applicant should make reference to the requirements that for temporary structure not exceeding 230m², and in the form of open shed without storage or storage of indisputable non-combustibles or standalone container used as office and stores (except dangerous goods), portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that a building on land with a tenancy or a lease granted by the Government was subject to control of the Buildings Ordinance (BO). Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of containers as offices and reception was considered as temporary structures

and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and

- (h) to liaise with Incorporated Owners/Owners Committee of Beauty Court, Coronet Court and Aster Court to explain the development proposal to them.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/659 Temporary Open Storage of Containers with Ancillary Workshops and Logistics Centre for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots No. 1511 S.B (Part), 1512 (Part), 1519 (Part), 1520 (Part), 1521 (Part), 1522 (Part), 1533 (Part), 1534 (Part), 1535, 1536, 1537, 1538 RP (Part) and 1540 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/659)

Presentation and Question Sessions

58. 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 open storage of containers with ancillary workshops and logistics centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive uses in the vicinity of the site and along the access roads and environmental nuisance was expected;

- (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 development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The majority (about 72%) of the site fell within the “Open Storage” (“OS”) zone, which was occupied by logistics centres, workshops and open storage yards. The use under application was not incompatible with the surrounding land uses. The remaining area (about 28%) was zoned “Recreation” (“REC”) where there was no known implementation programme. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “REC” zone. The site fell within Categories 1 and 2 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E as there were no adverse departmental comments and local objections, and the concerns of the departments could be addressed through approval conditions. To mitigate any potential environmental impacts, relevant approval conditions had been recommended. The Committee had approved the previous application No. A/YL-HT/557 for open storage of container at the subject site as well as other similar applications in the subject “OS” and “REC” zones. Approval of the subject application was therefore in line with the Committee's previous decisions.

59. Members had no question on the application.

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m from the peripheral fencing of the site during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 7 units during the planning approval period;
- (e) no stacking of containers within the “Recreation” portion of the site, as proposed by the applicant, during the planning approval period;
- (f) the vehicle holding areas should serve as a buffer area and no container should be stored on that part of the site, as proposed by the applicant, during the planning approval period;
- (g) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (h) the submission of a 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 29.7.2010;
- (i) in relation to (h) above, the provision of the 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 29.10.2010;

- (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 29.7.2010;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

61. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied workshop and logistic centre uses at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and to apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the unlawful occupation of Government land and the unauthorized structures on-site. Should no STW/STT application be received/approved, his office

would consider taking appropriate lease enforcement/control action against the registered owner/occupier. His office did not guarantee right-of-way for vehicular access to the site from Ha Tsuen Road over other private land;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a few trees were invaded by Mikania Micrantha (薇甘菊) and the massive vines should be removed;
- (g) to note the comments of the Director of Fire Services on the requirements of formulating FSI proposals as stated in Appendix V of the RNTPC Paper No. A/YL-HT/659;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; use of containers as offices were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; if the site was not abutting 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

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/660 Temporary Open Storage of Scrap Metal and Plastic
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots 2938 RP (Part), 2939 RP, 2940 RP (Part), 2946, 2947 (Part),
2950 S.B. (Part) and 2950 RP (Part) in D.D. 129,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/660)

Presentation and Question Sessions

62. 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 open storage of scrap metal and plastic for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and along the access road and environmental nuisance was expected;

- (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 development could be tolerated for a period of one year based on the assessments given in paragraph 12 of the Paper. The use under application was not incompatible with the surrounding uses within the subject “CDA” zone which was predominantly occupied for open storage yards. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was in line with the TPB PG-No. 13E as there were no adverse departmental comments and local objections, and the concerns of the departments could be addressed through approval conditions. To mitigate any potential environmental impacts, relevant approval conditions had been recommended. In view of the adverse public comments on the previous application No. A/YL-HT/628 regarding the workshop activities not included in the application, the Committee on 20.6.2008 granted a shorter approval period of one year to monitor the situation of the site. Although the workshop activities had been discontinued since then, a shorter approval period of one year was still recommended to monitor the situation. As the applicant had only complied with the approval condition on the submission of a condition record of the existing drainage facilities under application No. A/YL-HT/628, shorter compliance periods were proposed in the current application to monitor the progress of compliance with approval conditions.

63. Members had no question on the application.

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of one year until 29.1.2011, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no handling (including loading, unloading and storage) of used car batteries was allowed on the site during the planning approval period;
- (e) no cutting, dismantling, melting, cleansing, repairing and other workshop activity was allowed on the site during the planning approval period;
- (f) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.4.2010;
- (g) the submission of a 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 29.4.2010;
- (h) in relation to (g) above, the implementation of the 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 29.7.2010;

- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.4.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (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.

65. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on the northern and southern portions of the site;
- (b) that shorter approval and compliance periods were granted in order to monitor the situation of the site and the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site

was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office; and his office reserved the right to take enforcement action under the conditions of the Short Term Waiver No. 2257 should any irregularity be found;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to provide adequate drainage measures to prevent surface water flowing from the site to the nearby public roads/drainage;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. In formulating the FSIs proposal for the structure, the applicant was advised to provide portable hand-operated approved appliances as required by occupancy which should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of the FSI, the applicant was required to provide justifications to him for consideration; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or store was considered as temporary structures and was subject to control under Building (Planning) Regulation Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/200 Temporary Warehouse and Open Storage of Recyclable Goods
(including Electronic Goods and Scrap Metals)
with Ancillary Workshop for a Period of 3 Years
in “Green Belt” zone,
Lot No. 288 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/200)

Presentation and Question Sessions

66. 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 warehouse and open storage of recyclable goods (including electronic goods and scrap metals) with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the access road and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the development was not compatible with the semi-rural area as well as the nearby Deep Bay “Coastal Protection Area” zone and the applicant had not submitted proposals to mitigate the adverse landscape impacts. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the development was not compatible with the planning intention of the “Green Belt” (“GB”) zone;

- (d) during the statutory publication period, four public comments were received. They all objected to the application for the reasons that the application site was not compatible with the “GB” zone, and would lead to adverse traffic, drainage, landscape, environmental and noise impacts; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The development was not in line with the planning intention of the “GB” zone and the “Town Planning Board Guidelines For Application For Development Within Green Belt Zone Under Section 16 of The Town Planning Ordinance” (TPB PG-No. 10) as the development involved extensive clearance of existing natural vegetation, and affected the existing natural landscape in the area. Under the “Revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B), applications for new temporary open storage use and workshops within the Wetland Buffer Area (WBA) would normally not be allowed in view of the adverse disturbances of such activities on birds. The site fell within Category 4 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application did not meet TPB PG-No. 13E as no previous approval for open storage use had been granted for the site, and there was insufficient information in the submission to address the adverse comments from concerned departments

and demonstrate that the applied use would not generate environmental nuisance and adverse landscape impacts on the surrounding areas.

67. Members had no question on the application.

Deliberation Session

68. Members generally agreed that the application should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 13.1 of the Paper and agreed that they were appropriate. The Chairperson said enforcement action should be undertaken once the application was rejected.

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl, as well as to provide passive recreational outlets. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 10 for “Application for Development within the Green Belt zone” in that the development involved extensive clearance of existing natural vegetation, and affected the existing natural landscape in the area;
- (c) the development was not in line with the Town Planning Board Guidelines No.12B for Application for Developments within Deep Bay Area in that no previous approval for open storage use had been granted for the site, and the development did not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area, and would have adverse disturbances on birds;

- (d) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no exceptional circumstance to justify the development, no previous approval for open storage use had been granted for the site, there were adverse departmental comments on the environmental and landscape aspects and there were environmental nuisance and adverse landscape impacts on the surrounding areas; and
- (e) approval of the application would set an undesirable precedent for similar open storage and warehouse in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/201 Pond Filling and Land Filling for Agricultural Use
in “Green Belt” zone,
Lot 1563 (Part) in D.D. 129, Mong Tseng Tsuen, Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/201)

Presentation and Question Sessions

70. 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 pond filling and land filling for agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application, which involved

pond filling activities at the application site falling within the Wetland Buffer Area (WBA) which was an integral part of the Inner Deep Bay Area wetland ecosystem. The Director of Environmental Protection (DEP) noted that there were sensitive receivers in the vicinity of the site, and the applicant should be reminded that no contaminated soil and waste, including construction and demolition materials, should be used to fill the site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that filling of pond and land might have adverse effect on the land drainage of the area, and the applicant was required to carry out a Drainage Impact Assessment (DIA) and to provide and maintain the floor mitigation measures proposed in the DIA to his satisfaction. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application as the proposed filling of fishpond into farmland would not only remove the valuable landscape resources but also further degrade the fishpond buffer. The Director of Food, Environment and Hygiene Department commented that the operation of agricultural activities should not cause environmental hygiene and pest nuisance;

- (d) during the statutory publication period, five public comments were received. A group of 20 Mong Tseng Tsuen villagers, another Mong Tseng Tsuen villager, and a Mong Tseng Wai villager objected to the application as the subject pond was the only remaining pond in the village and a leisure/scenic spot for nearby residents. The proposed pond filling would result in irreversible damage to the natural environment and would lead to adverse drainage, ecological, landscape, waste management, water quality and traffic impacts. Two environmental groups objected to the application for the reasons that the site was of ecological value and the proposed filling would result in a direct loss of wetland habitat utilized by waterbirds. There had not been any ecological assessment of the existing baseline condition of the area or examination of the potential impacts on the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application based on the assessments as detailed in Paragraph 12 of the Paper. The development was not in line with the planning intention of the “GB” zone and the “Town Planning Board Guidelines For Application For Development Within Green Belt Zone Under Section 16 of The Town Planning Ordinance” (TPB PG-No. 10) as the proposed pond filling and land filling would not only remove the valuable landscape resource but also degrade the fishpond buffer between Tin Shui Wai New Town in the south and the rural landscape in the north. No landscape mitigation measure had been proposed to compensate for the loss of fishpond on-site. The development was also not in line with the “Revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” (TPB PG-No. 12B) as there was no information to demonstrate that the proposed pond filling would not result in negative off-site disturbance/impacts on the ecological value of the fishponds within the WCA. Since the promulgation of TPB PG No. 12B in 1999, no application involving pond filling for agricultural use had been approved. There was no material change in the planning circumstances to merit a departure of the Board’s/Committee’s previous decisions, and approval of the application would encourage similar pond filling and land filling in the subject “GB” zone, the cumulative effect of which would result in a general degradation of the environment and ecology of the area.

71. Members had no question on the application.

Deliberation Session

72. A Member said that the subject fish pond was close to the Hong Kong Wetland Park and hence the application for proposed pond and land filling, which would have ecological impact on the surroundings, should be rejected. The Chairperson invited Members to consider the reasons to reject the application. Members went through the reasons for rejection as stated in para. 13.1 of the Paper and considered that they were appropriate.

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

reasons were :

- (a) the proposed development was not in line with the revised Town Planning Board Guidelines for Application for Development within the Green Belt under Section 16 of the Town Planning Ordinance in that there was a general presumption against development (other than redevelopment) in “Green Belt” (“GB”) zone, and the proposed development would have adverse landscape impacts on the surrounding area;
- (b) the proposed development was not in line with the revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area in that it would result in a net loss in wetland, both in terms of area and function, of the Wetland Buffer Area, and the proposed development would have adverse ecological impacts on the surrounding areas;
- (c) there was no information in the submission to demonstrate that the proposed pond filling and land filling would not have adverse drainage impact on the surrounding area and there was no proposal on drainage discharge; and
- (d) there had been no previous approval for pond filling within the subject “GB” zone since the promulgation of the revised Town Planning Board Guidelines for Application for Developments within Deep Bay Area in April 1999. Approval of the application would set an undesirable precedent and encourage similar applications within the zone, the cumulative effect of which would result in a general degradation of the drainage, environment and ecology in the area.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/340 Temporary Private Vehicle Park for Light Goods Vehicles
for a Period of 3 Years in “Agriculture” zone,
Lots 375 S.C RP (Part) and 376 (Part) in D.D. 110 and
Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/340)

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 temporary private vehicle park for light goods vehicles for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the development, with a hard-paved open ground and all the vegetation removed, had adversely affected the existing predominantly rural character;
- (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 development could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The development was

considered not incompatible with the surrounding land uses which were characterized by open storage yards, a parking lot, a workshop, a residential structure, agricultural lots and vacant/unused land. Although DAFC did not support the application, it should be noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes and the long-term planning intention of the “AGR” zone. The site and its adjoining areas were also bounded by a nullah which separated them from the agricultural lots and the residential structure located to the further north. To address the adverse landscape impacts and minimize the possible nuisance, relevant approval conditions on landscape, operation hours, the types of prohibited activities and the types of vehicles to be used had been recommended.

75. Members had no question on the application.

Deliberation Session

76. A Member said that close monitoring of the current application was necessary as the application site was part of a larger site which was the subject of a previous application No. A/YL-KTN/263 for a proposed temporary open storage of building materials and vehicle parts for a period of 3 years rejected by the Committee on 25.5.2007. The approved use should only be confined to the current application site.

77. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the

Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the existing boundary fencing should be maintained at all times during the planning approval period;
- (f) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2010;
- (g) in relation to (f) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 29.10.2010;
- (h) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

78. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the site included converted containers and metal canopy. It also included some Government land and his office had no permission for its occupation. His office reserved the right to take lease enforcement and control action against these irregularities. Part of the site fell within "MTR – Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) Control Boundary" and came close to "XRL Scheme Boundary". Besides, the access route from Kam Tai Road to the site would require crossing this XRL boundary via a long haul of informal track on other private land and open government land without maintenance works to be carried out by his office. His office did not guarantee right-of-way. The registered owner of the lots should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Should no STW and STT application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement and control action against the registered owner and the occupier;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout 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 III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments 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;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the track between the site and Kam Tai Road should be checked with the lands authority. The management responsibilities of the same track should be checked with the relevant lands and maintenance authorities accordingly;
- (h) to note the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department’s comments that the vertical and horizontal pressure change on any site activities of XRL due to the works conducted within the site should not exceed 20 kPa. Besides, a

total movement in any XRL structure due to the works conducted within the site should not exceed 20mm. If the development continued after 3 years and might extend to the operation stage of XRL, the applicant should observe the MTR Corporation Limited's comments in Appendix III of the RNTPC Paper No. A/YL-KTN/340;

- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/341 Temporary Open Storage of Vehicles and Vehicle Parts for Export
for a Period of 3 Years in "Agriculture" zone,
Lots 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part)
and 422 RP (Part) in D.D. 110 and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/341)

Presentation and Question Sessions

79. 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 vehicles and vehicle parts for export for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as environmental sensitive receivers, i.e. residential structures, were found to the north, east and south of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was of high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there was no room to implement the tree planting within the application site and the development had adversely affected the predominantly rural character of the area;
- (d) during the statutory publication period, seven public comments from the residents of Seasons Villas were received. They all objected to the application as the development had been in operation a few months ago resulting in adverse visual impact, noise pollution and land contamination. The development also caused adverse ecological and Fung Shui impacts. They suspected collusion between business and the government as no consultation or environmental assessment had been conducted before the operation of the development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of one year based on the assessments given in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses. Although

DAFC did not support the application, it should be noted that the temporary nature of the development would not jeopardize future agricultural rehabilitation. Besides, the site was separated from a plant nursery located to the further northwest by other open storage yards. The site fell within Category 2 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The current application was considered generally in line with TPB PG-No. 13E. Although DEP did not support the application, no environmental complaint had been received by DEP in the past three years. In view of the local objections and the concerns of DEP, a shorter approval period of 1 year and relevant approval conditions on the operation hours, the types of prohibited activities and the types of vehicles to be used had been recommended. To minimize the landscape/visual impact to the local residents, it was proposed that approval conditions on landscape be imposed. Similar applications No. A/YL-KTN/338 and 339 for various temporary open storage uses located north of the application site had been approved with conditions by the Committee on 15.1.2010 for a period of 1 year. Approval of the current application was in line with the Committee’s previous decisions. As regards the local objection, it should be noted that Seasons Villas was separated from the site and the adjoining open storage uses by Kam Tin River of about 40m in width including its embankment.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 29.1.2011, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 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 to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities 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 29.4.2010;
- (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 29.4.2010;
- (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 29.7.2010;
- (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 29.4.2010;
- (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 29.4.2010;
- (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 29.7.2010;

- (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 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.

82. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter approval period and compliance periods were granted so as to monitor the situation on the site and the progress of compliance with approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the District Lands Officer/Yuen Long's (DLO/YL) comments that the site included converted containers and metal canopy. It also included some Government land and his office had not granted permission for its occupation. His office reserved the right to take lease enforcement and control action against these irregularities. Besides, the registered owner of the lots should apply for Short Term Waiver (STW) and Short Term

Tenancy (STT) to regularize the irregularities on the site. Should no STW and STT application be received/approved and any irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement and control action against the registered owner and the occupier. The site was accessible to Kam Tai Road via a short stretch of Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;

- (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 Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that a wide planting strip along the southern site boundary for planting tall trees would be required;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout 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 IV of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments 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;

- (i) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was/should not be responsible for the maintenance of any existing vehicular access fronting the site;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/602 Temporary Open Storage of Excavators and Loaders
for a Period of 3 Years in "Residential (Group D)" zone,
Lots 159 (Part), 160 (Part), 162 (Part), 163 (Part), 164 (Part)
in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/602)

Presentation and Question Sessions

83. 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 and loaders for a period of

3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were environmental sensitive receivers including residential dwellings in the vicinity of the application site and environmental nuisance was expected;
- (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 development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone, which had no known implementation programme. The site fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was generally in line with the TPB PG-No.13E in that a previous approval (No. A/YL-PH/556) had been granted on the site. There was no environmental complaint on the site received in the past four years. To address DEP's concerns, relevant approval conditions on the operation hours and the types of prohibited activities had been recommended. Since the last approval (Application No. A/YL-PH/556) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the compliance with approval conditions. The applicant should be advised that if the approval conditions were not complied with again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 12:00 noon and 5:00 p.m. on Saturdays, and no night-time operation between 5:00 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, were allowed on the site at any time during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/YL-PH/487 on the site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the provision of fencing on the site, 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 29.4.2010;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.4.2010;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;

- (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.

86. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before continuing the applied use on the site;
- (b) that the permission was given to the use under application. It did not condone any other use or activity (including maintenance workshop) which currently existed or operated on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use or activity not covered by the permission;
- (c) that shorter compliance periods were allowed to monitor the progress on 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;
- (d) to resolve any land issues relating to the development with the concerned owners of the site;

- (e) to note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. It also included some Government land and his office had no permission for its occupation. His office reserved the right to take lease enforcement and control action against the irregularities if indeed found on site. The site was accessible to Fan Kam Road via long haul of an informal track on other private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way. The registered owner of the lots and the occupier should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW and STT application be received/approved and any irregularities persist on site, his office, on review of the situation, would take appropriate lease enforcement and control action against the registered owner and the occupier;

- (f) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the proposed access road between the site and Fan Kam Road, and the management and maintenance responsibility of the access road leading to the site from Fan Kam Road should be checked with the relevant lands and maintenance authorities;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;

- (h) 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 alleviate any potential environmental nuisance;

- (i) to note the Director of Fire Services' comments that in consideration of the

design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix V of the RNTPC Paper No. A/YL-PH/602; and

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/603 Renewal of Planning Approval for Temporary
 "Open Storage of Private Cars and Lorries"
 for a Period of 3 Years in "Agriculture" zone,
 Lot 1479 S.B (Part) in D.D. 111, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/603)

Presentation and Question Sessions

87. 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 – the previous application No. A/YL-PH/535 was approved by the Committee on 2.2.2007 for a period of three years up to 2.2.2010;

- (b) the renewal of planning approval for temporary “open storage of private cars and lorries” for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. Although the development was not in line with the planning intention of the “AGR” zone, the site was the subject of 3 previous planning permissions (No. A/YL-PH/345, 443 and 535) for the same use all approved by the Committee on 27.10.2000, 19.9.2003 and 2.2.2007 respectively. There was no change in planning circumstances from the previous planning approval No. A/YL-PH/535. To minimize the possible environmental impacts from the development, relevant approval conditions on the operation hours, the types of prohibited activities and the types of vehicles to be used had been recommended. The site fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development generally complied with TPB PG-No. 13E and the “Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34A) in that there were previous approvals for the site and approval conditions for the previous planning application had been complied with and there was no local objection against the application.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles, i.e. over 24 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (e) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (f) the existing trees and landscape plantings within the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010;

- (i) 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;
- (j) if any of the above planning conditions (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.

90. The Committee also agreed to advise the applicant :

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Converted container was found on the site. Whether it constituted a structure would be subject to further investigation. The site was accessible to Kam Tin Road via a short stretch of Government land without maintenance works to be carried out thereon by his office. This portion of Government land was affected by a Drainage Services Department's project known as "Yuen Long and Kam Tin Sewage Treatment, Stage 1B-1T (Kam Tin Truck Sewerage, Phase 2)", and Highway Department's project known as "PWP Item No. 6820TH - Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road". His office did not guarantee right-of-way. Should structure be indeed erected on site, the registered owner of the lot should apply to his office for Short Term Waiver to regularize the irregularities on site. Otherwise, his office, on review of the situation, would take appropriate lease enforcement action against the registered owner;

- (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 alleviate any potential environmental nuisance;
- (d) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to note that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed, the applicant was required to provide justifications to his Department for consideration;
- (e) to note the Director of Agriculture, Fisheries and Conservation’s comments that mature roadside trees were noted in the northern boundary of the site along Kam Tin Road. Should any trees be affected/removed, a tree felling application prepared in accordance with the ETWB TCW No. 3/2006 should be submitted to the relevant District Lands Office for consideration; and
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

[Prof. Paul Lam left the meeting temporarily at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/604 Proposed Temporary Public Car Park for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 78 S.A (Part), 93 (Part) and 94 (Part) in D.D. 108, Fan Kam Road,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/604)

Presentation and Question Sessions

91. 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 public car park for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from a group of local villagers of Ta Shek Wu was received. The villagers objected to the application on the grounds that the car park was in close proximity to residential dwellings and would cause noise and emission problems;
- (e) the Planning Department (PlanD)’s views – PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone as there was no known permanent development programme on the site. The development was not

incompatible with the surrounding land uses, and was unlikely to generate adverse traffic, drainage and landscape impacts on the surrounding areas. To minimize the possible environmental impacts from the development, relevant approval conditions on the operation hours, the types of prohibited activities and the types of vehicles to be used had been recommended. Three planning permissions (No. A/YL-PH/385, 413 and 501) for the same use had been granted before, and there had been no significant change in planning circumstances to warrant a departure from the previous decisions of the Committee. The approval conditions of application No. A/YL-PH/501 regarding submission and implementation of landscaping and tree preservation proposals, drainage proposals and fire services installation proposals had been complied with. As regards the local objection, DEP was of the view that the application could be tolerated on the consideration that the public car park would solely accommodate private vehicles.

92. The Chairperson asked who the public car park would serve. Mr. Kepler Yuen replied that, according to the applicant, the public car park primarily served the drivers who worked in the nearby open storage and port back-up areas.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 29.1.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays, and 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 vehicles without valid licences issued under the Traffic Regulations, as

proposed by the applicant, was allowed to be parked/stored at the site at any time during the planning approval period;

- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors, as proposed by the applicant, were allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the drainage facilities implemented under Application No. A/YL-PH/501 on the site should be maintained at all times during the approval period;
- (g) the existing landscape plantings on the site should be maintained at all times during the approval period;
- (h) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2010;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

94. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Converted containers and metal canopy were noted in the application. His office reserved the right to take lease enforcement against these irregularities. The site was accessible to Fan Kam Road via a short stretch of Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way. The registered owner of the lots should apply for Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and any irregularities persist on-site, his office, on review of the situation, would take appropriate lease enforcement action against the registered owners according to the prevailing programme;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of proposed access between the site and Fan Kam Road, and the management and maintenance responsibilities of the access leading to the site from Fan Kam Road should be checked with the relevant lands and maintenance authorities;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comment that the short section of vehicular access

connecting Fan Kam Road and the site was not/would not be maintained by his department;

- (f) 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 alleviate any potential environmental nuisance;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements as stated in Appendix IV of the Paper; and
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance. Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

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

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

Tsuen Wan and West Kowloon District

[Mr. Y.S. Lee, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

Agenda Item 27

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWI/37-2 Application for Extension of Time for Commencement of the Approved Ma Wan Park Development under Application No. A/I-MWI/37 for 4 Years until 3.2.2014 in “Comprehensive Development Area”, “Other Specified Uses” annotated “Recreation and Tourism Related Uses”, “Green Belt”, “Government, Institution or Community”, “Other Specified Uses” annotated “Highways Maintenance Area” and “Road” zones, a Large Portion of Land Located to the North of and Underneath the Lantau Link (Ma Wan Park), Ma Wan
(RNTPC Paper No. A/I-MWI/37-2)

95. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Messrs. Donald Yap and Y.K. Cheng had declared interests in this item as they had current business dealings with SHKP. Mr. David Chan said that he was a member of the Tsuen Wan Rural Area Committee (TWRAC). The Home Affairs Department had consulted the TWRAC on the proposed development and the TWRAC had commented on the development. As the TWRAC had not passed any motion on the proposed development, Members agreed that Mr. Chan’s interests were indirect and he could stay in the meeting and participate in the discussion and deliberation. The Committee also noted that Mr. Donald Yap had already left the meeting.

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

Presentation and Question Sessions

96. Mr. Y.S. Lee, STP/TWK, tabled Appendix V of the Paper concerning the comments of Park Island Owners’ Committee for Members’ information. He presented the

application and covered the following aspects as detailed in the Paper :

(a) background to the application:

- on 3.2.2006, the Committee approved the application (No. A/I-MWI/37) for the proposed recreational park (Ma Wan Park) including places of entertainment, exhibition centres, retail shops, restaurants, visitor accommodation, other attractions, ancillary facilities and coach parking area; and coach parking area for overflow of coaches from Ma Wan Park and for other developments in Ma Wan at the Site. The planning permission was valid until 3.2.2010; and after the said date, the permission should cease to have effect unless before the said date either the development hereby permitted had commenced or the permission was renewed;
- the development comprised two phases (Phase I and Phase II). Phase I of the Ma Wan Park was partly opened to public (including Hilltop Garden, Ma Wan Nature Garden and Noah's Ark). Solar Tower in the western portion of Phase I of the Park was under construction. Phase II, which was designed to conserve and revitalize the existing Ma Wan Old Village, had yet to commence;

(b) the application for extension of time (EOT) for commencement of the approved Ma Wan Park development under application No. A/I-MWI/37 for 4 years until 3.2.2014;

(c) departmental comments – the District Lands Officer/Tsuen Wan & Kwai Tsing, Lands Department did not object to the application for extension of time for commencement of approved development as the development of Ma Wan Park was still in progress and the developer needed to procure the necessary land/legal documents for the Ma Wan Park development. The development programme of Phase II of Ma Wan Park would hinge on the authorization of the Ma Wan amendment road scheme under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and the completion

of the clearance exercise of the existing Ma Wan Old Village. The site required was tentatively scheduled to be given to the developer by December 2010 or early 2011;

- (d) the District Officer (Tsuen Wan) reported that the Park Island Owners' Committee had no objection to the EOT application but considered that the development should be completed promptly and the undeveloped areas within Phase II of Ma Wan Park should be properly maintained for environmental hygiene purposes; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for EOT based on the assessments given in paragraph 8 of the Paper. The EOT application was in line with the “Town Planning Board Guidelines on Extension of Time for Commencement of Development” (TPB PG-No. 35B), as there had been no material change in the planning circumstances in relation to the relevant zonings on the OZP since the original permission was granted in 2006 (No. A/I-MWI/37). The proposed extension period of 4 years would not result in an aggregate extension period longer than the original duration (i.e. 4 years) for commencement of the approved development proposal. The applicant had taken reasonable actions to implement the approved development. Part of the facilities in Phase I of the Park (including Hilltop Garden and Ma Wan Nature Garden) had been opened to the public since July 2007 and Noah's Ark was opened to the public in May 2009. Solar Tower in the western portion of Phase I was under construction. As the development of the Ma Wan Park was still in progress and the developer needed to procure the necessary land/legal documents for the Ma Wan Park development, the approval of the application for EOT would allow more time for the applicant and LandsD to resolve the remaining issues. As regards the local concern, the applicant should be advised to expedite the implementation of the development. The proposed approval conditions and advisory clauses were the same as those under the original application No. A/I-MWI/37-2, except to update a few technical comments of the relevant departments.

97. In response to the Chairperson's question on the comments of Park Island Owners' Committee tabled at the meeting, Mr. Y. S. Lee clarified that as the meeting of Park Island Owners' Committee to discuss the EOT application was only held on 26.1.2010, their comments were not available at the time when the RNTPC Paper was issued.

98. A Member asked how much time the Ma Wan Park development had took up to the current date. Mr. Y. S. Lee said that the Heads of Agreement for the Ma Wan Park development was signed between the Government and a consortium led by Sun Hung Kai Properties Limited in 1997. Part of Phase I had already been completed. For Phase II, it would take some time for the applicant and Ma Wan villagers to come to an agreement to relocate the villagers. It was expected that the site for Phase II development would be handed over to the applicant by the end of 2010 or early 2011. The applicant estimated that it would take about five years to complete the Phase II development.

99. In response to the same Member's question, Mr. Y. S. Lee replied that Phase I of the development had been delayed for about one to two years, and there was no agreed schedule for Phase II of the development as it had to depend on the progress of land resumption.

Deliberation Session

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 3.2.2014, 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 revised master layout plan taking into account conditions (b), (d), (e) and (f) below for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised landscape master plan

including a tree preservation, tree felling, and compensatory and new planting plan to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission and implementation of design of façade treatment and exterior appearance of the renovation/refurbishment of existing village structures to the satisfaction of Director of Planning or of the TPB;
- (d) the submission and implementation of emergency vehicular access, footpaths, loading/unloading and drop-off areas to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the design and implementation (including the submission of the operational arrangement) of Coach Area 1 for Ma Wan Park Phase I and Coach Area 2 for future Ma Wan Park Phase II, transport contingency and overflow from other recreation/tourism developments in Ma Wan to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the design and implementation of road connection to the adjoining proposed resort hotel at Ma Wan Lots Nos. 151, 214, 215, 218 and 219 to the satisfaction of the Commissioner for Transport or of the TPB;
- (g) the submission and implementation of a comprehensive traffic and transport plan with an effective control mechanism for coach access to Ma Wan and contingency transport measures in case of inclement weather or other emergency situations for the entire Ma Wan development (including the proposed theme park in the south of the Island) to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of the proposed facilities and vehicular access underneath the Lantau Link including the protective measures for the Link to the satisfaction of the Director of Highways or the TPB;
- (i) the design and provision of emergency vehicular access, water supplies for fire fighting and fire service installations to the satisfaction of the Director

of Fire Services or of the TPB;

- (j) the submission of a noise impact assessment on existing and proposed noise sensitive receivers and the provision of mitigation measures including those to address the noise impact of railway and aircraft, and outdoor performance venues in the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the design and implementation of the waste delivery arrangement to the satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of an ecological impact assessment with additional information on habitat and vegetation survey, fauna species record and the implementation of ecological mitigation measures to be identified therein to the satisfaction of Director of Agriculture, Fisheries and Conservation or of the TPB;
- (m) the design and provision of drainage and sewage treatment and disposal facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (n) the submission of an assessment on the impact of the proposed development and other planned developments of Ma Wan on the water supply system in Ma Wan and, if necessary, the upgrading of water supply system, not limited to submarine pipeline(s) and service reservoir(s) to cater for the additional water demand arising from the proposed development to the satisfaction to Director of Water Supplies or of the TPB;
- (o) the submission and implementation of archaeological investigation or detailed plans for the preservation and restoration of historical relics, buildings and structures, including the gable wall of the former Customs Station, Tin Hau Temple at Ma Wan Town, Stone Tablets of the Old Kowloon Customs and a rock inscription 'Mui Wai' to the satisfaction of

the Director of Leisure and Cultural Services or of the TPB; and

- (p) the submission of a revised development programme for full completion of Phases I and II and the implementation of the proposed development according to the programme to the satisfaction of the Director of Planning or of the TPB.

101. The Committee also agreed to advise the applicant :

- (a) that any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wished to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) that the approved Master Layout Plan (MLP), together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (c) that the applicant should expedite the implementation of Ma Wan Park, in particular the works for Phase II, to bring the whole scheme to fruition as early as practicable;
- (d) that the applicant should liaise with Transport Department and Lands Department for the compliance of the Roads (Works, Use and Compensation) Ordinance in respect of the revised proposals for the roads and emergency vehicular access;
- (e) that the applicant should take into account that ferry should be the principal transport mode for Ma Wan in terms of carrying capacity during the peak

hours in planning the transport provision of Ma Wan Phase II;

- (f) that Lands Department advised that if it was decided to let the land under the Lantau Link, it would only be in form of short term tenancy;
- (g) that the applicant should liaise with Lands Department to resolve the Heads of Agreement matters;
- (h) that as part of Ma Wan Park was in close proximity to the gazetted Ma Wan Tung Wan Beach, construction works of the Park should not encroach upon the gazetted beach;
- (i) that the applicant should provide Ma Wan Fisheries Rights Association Limited and the Ma Wan Rural Committee with a briefing on the detailed design for the sheltered anchorage;
- (j) that the applicant should provide the Park Island Owners' Committee, the Ma Wan Rural Committee and other residents of Ma Wan with a briefing on the Ma Wan Park development;
- (k) that the required landscape master plan submission should be prepared in accordance with the Joint Practice Note No. 3 issued by Buildings Department, Lands Department and Planning Department; and
- (l) that the Rehabilitation and Replacement (R&R) of Water Mains Stage 4 was affected. Tentative programme of the R&R works was from 2011 to 2015. The applicant was required to liaise with the Chief Engineer/Consultants Management of the Water Supplies Department to resolve any interface issues.

[The Chairperson thanked Mr. Y.S. Lee, STP/TWK, for his attendance to answer Members' enquires. Mr. Lee left the meeting at this point.]

Agenda Item 28

Any Other Business

102. There being no other business, the meeting was closed at 4:40 p.m.