

TOWN PLANNING BOARD

Minutes of 432nd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.12.2010

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

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

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

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

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

Secretary

Absent with Apologies

Professor Paul K.S. Lam

Dr. James C. W. Lau

Dr. C.P. Lau

Dr. W.K. Lo

Dr. W.K. Yau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 431st RNTPC Meeting held on 10.12.2010

[Open Meeting]

1. The draft minutes of the 431st RNTPC meeting held on 10.12.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Ms. Phyllis K.Y. Lau, Town Planner/Sai Kung and Islands (TP/SKIs), was invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting]

A/DPA/I-TOF/1 Proposed Rain Shelter
in “Conservation Area” zone,
Government Land at the Northern End of Sun Ki Street,
Tai O, Lantau
(RNTPC Paper No. A/DPA/I-TOF/1)

3. The Secretary reported that the application was submitted by the Home Affairs Department on 3.11.2010 for the development of a rain shelter at the application site. However, the “Conservation Area” (“CA”) zone in which the application site was located was the subject of four representations in respect of the draft Tai O Fringe Development

Permission Area (DPA) Plan No. DPA/I-TOF/1, which was published under section 5 of the Town Planning Ordinance on 4.6.2010. Out of these four representations, two of them supported the “CA” zone whilst the other two raised objection. Upon consideration of all the representations and comments on representations on the draft DPA Plan on 3.12.2010, the Town Planning Board (TPB) noted the representations which supported the draft DPA Plan and decided not to uphold the representations which objected to the draft DPA Plan. The Secretary informed Members that according to the TPB Guidelines No. 33 on Deferment of Decisions on Representations, Comments, Further Representations and Applications, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. As such, the Planning Department recommended deferment of the consideration of the subject application pending the CE in C’s final decision on the representations.

4. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the draft Tai O Fringe Development Permission Area Plan No. DPA/I-TOF/1 and the adverse representations.

[Mr. Simon K.M. Yu, Assistant Director/New Territories of Lands Department, arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/40 Proposed Eating Place
 in “Open Space” zone,
 G/F, Block 2, Lot 2261 in D.D. 3,
 Wong Nai Uk, Tung Chung, Lantau Island
 (RNTPC Paper No. A/I-TCTC/40)

Presentation and Question Sessions

5. Ms. Phyllis K.Y. Lau, TP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – the Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department (CEDD) advised that the application premises fell within an area planned for the future Town Park. In order not to hinder the implementation of the proposed development in future, the application, if approved, should be on a temporary basis, say for three years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. While the proposed eating place fell within an area zoned “Open Space” (“O”) and was intended for the development of a town park for the Tung Chung new town, the Director of Leisure and Cultural Services advised that there was not yet any programme to develop the town park. Besides, the land use of Wong Nai Uk Village, within which the application premises was located, was subject to the Feasibility Study for Remaining Development in Tung Chung which was tentatively scheduled for commencement in 2011/2012. Approval of the proposed eating place on a permanent basis would therefore affect the planning intention of the “O” zone and the Feasibility Study. However, CEDD had no objection to the approval of the application on a temporary basis for three years which would not affect the Feasibility Study to be commenced. Moreover, as the proposed eating place, occupying the ground floor of an existing village house, was small in scale, it was considered not incompatible with the

surrounding residential developments. There were unlikely any adverse traffic, environmental and infrastructural impacts on the locality.

6. Members had no question on the application.

Deliberation Session

7. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal for the application premises within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2011;
- (b) in relation to (a) 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 23.9.2011;
- (c) the submission of sewer connection proposal from the application premises to the public sewerage system within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2011;
- (d) in relation to (c) above, the implementation of sewer connection proposal from the application premises to the public sewerage system within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2011; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary planning approval of three years was granted so as to monitor the development and to ensure that the development would not be in conflict with the planning intention of the “Open Space” zone; and
- (b) to note the comments of the Commissioner for Transport that the proposed eating place should not cause disturbance to other road users.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SLC/115

Proposed Two Houses (New Territories Exempted Houses)
in “Green Belt” zone,
Lot 664 in D.D. 333, Chi Ma Wan Road,
Shap Long Kau Tsuen, Lantau
(RNTPC Paper No. A/SLC/115)

9. The Committee noted that the applicant requested on 9.12.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to submit a fresh landscape proposal.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/185 Proposed House (New Territories Exempted House — Small House)
in “Green Belt” zone,
Lot 1945 S.H in D.D. 244, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/185)

11. The Committee noted that the applicant requested on 8.12.2010 for a deferment of the consideration of the application for three months in order to allow time for the applicant to address departmental comments on the application.

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

[The Chairman thanked Ms. Phyllis K.Y. Lau, TP/SKIs, for her attendance to answer Members’ enquires. Ms. Lau left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting, Ms. Lisa L.S. Cheng and Mr. Kris W.K. Leung, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting]

A/DPA/NE-STK/1 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Government Land in D.D. 40,
Shan Tsui Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/1)

13. The Secretary reported that a total of 14 representations were received in respect of the Draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1, which was published on 30.7.2010 under section 5 of the Town Planning Ordinance. Among them, one representation objected to the “Green Belt” (“GB”) zone adjacent to Shan Tsui Tsuen which covered the subject application site, and proposed to rezone the area to “Village Type Development” (“V”) for Small House developments. The representations and comments were tentatively scheduled for consideration by the Town Planning Board (TPB) on 21.1.2011. The Secretary said that according to the TPB Guidelines No. 33 on Deferment of Decisions on Representations, Comments, Further Representations and Applications, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. As such, the Planning Department recommended deferment of the consideration of the subject application pending the CE in C’s final decision on the representations.

14. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the Draft Sha Tau Kok Development Permission Area Plan No. DPA/NE-STK/1 and the adverse representations.

[Ms. Anita W.T. Ma arrived to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/17 Temporary Open Storage of Construction Machinery and
Mechanical Spare Parts for a Period of 3 Years
in “Agriculture” zone,
Lot 529 S.A (Part) in D.D. 84, Hung Lung Hang
(RNTPC Paper No. A/NE-HLH/17)

Presentation and Question Sessions

15. 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 machinery and mechanical spare parts for a period of three 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the applied use was not compatible with the landscape character of the surrounding rural environment and had caused disturbances to the existing landscape character and resources;
- (d) two public comments were received during the statutory publication period. While the comment from a member of the public stated ‘no comment’ on the application, the other one from Designing Hong Kong Limited objected to the application on the grounds that the applied use would cause environmental blight on land zoned “Green Belt” and it was not in line with

the planning intention of the area;

- (e) the District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee objected to the application on the grounds that heavy vehicles used for delivering materials would pose hazards to pedestrians and other vehicles; and
- (f) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the development under application was not in line with the planning intention of “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Although the Director of Agriculture, Fisheries and Conservation had no strong view against the applied use, it was noted that there were still some active/fallow agricultural land in the vicinity of the site;
 - (ii) the application did not comply with the Town Planning Board (TPB) Guidelines No. 13E in that there was no previous planning approval for similar open storage use granted to the application site. DEP did not support the application as there were domestic structures in the vicinity of the site with the nearest one located about 10m to the east and environmental nuisance to the nearby residents was anticipated. Moreover, CTP/UD&L, PlanD had reservation on the application as the applied use was not compatible with the landscape character of the surrounding rural environment and had caused disturbances to the existing landscape character and resources. Besides, a local objection against the applied use on traffic safety ground was received;
 - (iii) three previous applications (No. DPA/NE-HLH/3, A/NE-HLH/1 and

A/NE-HLH/2) for the same use were rejected by the Committee/TPB mainly on the grounds that the applied use was not in line with the planning intention of “AGR” zone and approval of the applications would set an undesirable precedent for other similar applications. There had been no material change in the planning circumstances since the rejection of the previous applications which warranted a departure from the previous decisions of the Committee/TPB; and

- (iv) Applications No. A/NE-TKL/241, 295 and 334 were quoted by the applicant as similar approved cases to the current application. These applications, however, were approved with conditions by the Committee on the considerations that the applications generally complied with the TPB Guidelines for Application for Open Storage and Port Back-up Uses in that previous approvals had been granted by the Committee and relevant government departments had no major adverse comments on the applications. Hence, these cases were granted planning permission by the Committee on different considerations from the current application.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the use under application was not in line with the planning intention of the “Agriculture” (“AGR”) 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. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the use under application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that no previous planning approval had been granted to the application site and the applicant had failed to demonstrate that the development under application would not have adverse environmental impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, the cumulative impact of approving similar applications would result in a general degradation of the environment in the area.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-KTS/303 Proposed Temporary Warehouse and Workshop with Ancillary Facilities (Office and Quarters) for a Period of 3 Years in “Green Belt” zone,
Lots 1639 S.D ss.1, 1639 S.D ss.2 and 1639 S.E in D.D. 100,
Ying Pun, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/303)

18. The Secretary reported that on 8.12.2010, the applicant provided responses to departmental comments on the application and requested to defer making a decision on the application until February 2011. However, the applicant on 22.12.2010 wrote to the Secretariat of Town Planning Board requesting the Committee not to defer the consideration of the application as he noted that there was no further adverse comment from concerned government departments. A copy of the applicant’s letter was tabled at the meeting for Members’ reference. As there was not sufficient time for the Planning Department to prepare a full paper on the application for the Committee’s consideration at this meeting, the Secretary informed Members that the application would be submitted to the Committee for

consideration in the next meeting to be held on 14.1.2011.

19. After deliberation, the Committee decided to defer a decision on the application and agreed that the application should be submitted to the Committee for consideration in the next meeting to be held on 14.1.2011.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/727 Temporary Flat for a Period of 5 Years
 in “Government, Institution or Community” zone,
 Staff Quarters at Block E, Prince of Wales Hospital,
 46 Ngan Shing Street, Sha Tin
 (RNTPC Paper No. A/ST/727)

Presentation and Question Sessions

20. Mr. Kris W.K. Leung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the subject staff quarters (Block E) had 21 storeys with 4 units on each of 1/F to 20/F (total 80 units). The Hospital Authority (HA) did not use the subject building as quarters and the whole block was now under the management of the Government Property Agency. A total of 23 units in the block were currently used for government and institution uses whereas the remaining 57 units were letting for private residential use;
- (b) the temporary flat for a period of five years – the premises was the subject of a previous application No. A/ST/641, which was approved with conditions on 1.9.2006 on a temporary basis for five years up to 1.9.2011. The applicant currently sought a fresh planning approval for the same use

at the same location for another five years;

- (c) departmental comments – the Chief Architect/ASC, Architectural Services Department (CA/ASC, ArchSD) suggested that, as the proposed redevelopment of Prince of Wales Hospital – Phase II had not yet been allocated with the required resources, a term should be incorporated into the planning permission to notify and demand the flat users to vacate their premises by giving a reasonable notice (say three months) in case of reactivation of the project in the coming few years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The use of former staff quarters as temporary flat did not alter the land use or residential nature of the quarters site and would not adversely affect the operation of the adjoining Prince of Wales Hospital and the character of the surrounding developments. The temporary flat use for a period of five years was to allow better use of surplus staff quarters. As it was only temporary in nature, approval of the current application would not frustrate the planning intention of the subject “Government, Institution or Community” zone. Although the application site was included in the future redevelopment of Prince of Wales Hospital, there was no firm programme for the proposed redevelopment. There was no adverse traffic impact as the residential development intensity of the existing development (i.e. originally intended for staff quarters) would remain unchanged. The application premises were the subject of four previous applications for the same use. There had been no change in the planning circumstances since the approval of the previous applications. The application was considered acceptable by concerned departments.

21. Members had no question on the application.

Deliberation Session

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 23.12.2015, on the terms of the application as submitted to the Town Planning Board.

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

- to note the comments of the Chief Architect/ASC, Architectural Services Department that a term should be incorporated to notify and demand the flat users to vacate their premises by giving a reasonable notice (say three months) in case of reactivation of the redevelopment project of the ‘Prince of Wales Hospital – Phase II’ in the coming few years.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/728 Shop and Services (Fast Food Counter)
in “Industrial” zone,
Unit 7C, L1 Floor, Wah Yiu Industrial Centre,
30-32 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/728)

Presentation and Question Sessions

24. Mr. Kris W.K. Leung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the shop and services (fast food counter);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The fast food counter under application was located at street level of an existing industrial building with the main entrance fronting Au Pui Wan Street. The applied use was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for the adjoining units on the ground floor of the subject industrial building and its vicinity. According to the Town Planning Board (TPB) Guidelines No. 25D, the limit on aggregate commercial floor space on fire safety concerns did not apply to fast food counter which was sited at street level without seating accommodation and licensed as food factory. In this regard, the Fire Services Department had no objection to the application. The Transport Department also had no in-principle objection to the application provided that there was adequate space inside the shop for queuing of customers such that the queue would not obstruct pedestrian flow on public footpath outside the shop. In this regard, according to the layout plan submitted by the applicant, waiting area was provided within the application premises. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Besides, since the last two approvals (Application Nos. A/ST/677 and A/ST/697) were revoked due to non-compliance with the

approval condition(s), shorter compliance periods were recommended to monitor the progress of compliance should the Committee decide to approve the application. It was also recommended to advise the applicant that should he fail to comply with the approval condition(s) again resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application.

25. Members had no question on the application.

Deliberation Session

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire safety measures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2011;
- (b) in relation to (a) above, the implementation of fire safety measures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.6.2011; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours. Building safety requirements would be formulated upon receipt of food business licence application, where appropriate;
- (f) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of customers and the queue should not obstruct pedestrian flows on public footpath outside the shop;
- (g) to note the comments of the Director of Fire Services that the proposed fast food counter should only be licensed and operated as 'food factory' or 'factory canteen'. A fast food counter licensed and operated as a 'general restaurant' or 'light refreshment restaurant' would not be accepted. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (h) to refer to the 'Guidance Note on Compliance with Planning Condition on

Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

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

Agenda Items 12 to 14

Section 16 Applications

[Open Meeting]

A/DPA/NE-HH/1 Proposed House (New Territories Exempted House – Small House) in an area shown as 'Unspecified Use', Government Land in D.D. 283, Hoi Ha Village, Sai Kung North (RNTPC Paper No. A/DPA/NE-HH/1, 2 and 3)

A/DPA/NE-HH/2 Proposed House (New Territories Exempted House – Small House) in an area shown as 'Unspecified Use', Government Land in D.D. 283, Hoi Ha Village, Sai Kung North (RNTPC Paper No. A/DPA/NE-HH/1, 2 and 3)

A/DPA/NE-HH/3 Proposed House (New Territories Exempted House – Small House) in an area shown as 'Unspecified Use', Government Land in D.D. 283, Hoi Ha Village, Sai Kung North (RNTPC Paper No. A/DPA/NE-HH/1, 2 and 3)

28. The Secretary reported that the three applications were to seek planning permission to build a Small House at each of the application site in an area designated as 'Unspecified Use' ('U') on the Draft Hoi Ha Development Permission Area (DPA) Plan No. DPA/NE-HH/1, which was exhibited for public inspection under section 5 of the Town Planning Ordinance on 30.9.2010. During the exhibition period of the draft DPA Plan which ended on 30.11.2010, a total of 18 representations were received. Among them, one representation objected to the designation of 'U' for all the land covered by the DPA Plan and

proposed to rezone an area as specified in his submission, including the subject application sites, from 'U' to "Village Type Development" ("V"). There was another representation raising objection to the designation of 'U' and suggested that the whole area should be designated as Country Park. The Secretary said that according to the Town Planning Board (TPB) Guidelines No. 33 on Deferment of Decisions on Representations, Comments, Further Representations and Applications, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. As such, the Planning Department recommended to defer making a decision on the subject applications pending the CE in C's final decision on the representations.

29. The Secretary also reported that a letter from the applicant of Application No. A/DPA/NE-HH/3 was received on 17.12.2010, requesting the Committee not to defer the consideration of his and his brother's applications (No. A/DPA/NE-HH/2 and 3) on the grounds that their applications were made long before the exhibition of the draft Hoi Ha DPA Plan and the applications were not in conflict with the proposals of the representations. The Secretary pointed out that while the applicants had applied to the Lands Department for Small House development since 2002, the subject section 16 planning applications were only submitted to the TPB in November 2010 after the exhibition of the draft DPA Plan on 30.9.2010. It should also be noted that as one of the representations received proposed to designate the whole area within the DPA Plan as country park, the substance of this representation was relevant to the subject applications. Regarding the applicants' worry that the subject applications would be deferred for four years as the replacement of the DPA Plan by an Outline Zoning Plan (OZP) would take another three years, the Secretary clarified that the subject applications would be submitted to the Committee for consideration once the draft DPA Plan, instead of the subsequent OZP, was approved by the CE in C.

30. After deliberation, the Committee decided to defer a decision on the applications pending the Chief Executive in Council's decision on the draft Hoi Ha Development Permission Area Plan No. DPA/NE-HH/1 and the adverse representations.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/424 Proposed Public Utility Installation (Electricity Package Transformer)
with Excavation of Land
in “Village Type Development” zone,
Government Land in D.D. 9,
Nam Wa Po, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/424)

Presentation and Question Sessions

31. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (electricity package transformer) with excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed electricity package transformer was a mini-type transformer required for the upgrading of power supply to the existing village and the future development of Nam Wa Po Village. This small-scale development was considered not incompatible with the village character of

the surrounding areas. The application site was a piece of unallocated government land and the Lands Department had no objection to the application. The land excavation works with a depth of 1.6m involved in the application was minor foundation works incidental to the proposed electricity package transformer. Concerned departments had no objection to the application. The proposed development was the same as previously approved by the Committee on 12.10.2007 under Application No. A/NE-KLH/365, except that the current application site was located about 8m to the west of the previous location. The reason for the relocation was to meet the request of local villagers to avoid affecting a proposed access. The village representative of Nam Wa Po Village had indicated his support of the application.

32. Members had no question on the application.

Deliberation Session

33. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.12.2014, 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 landscaping proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the ‘Conditions for Working within Gathering Grounds’, as detailed in Appendix III of the Paper, should be strictly

complied with during the construction of the proposed electricity package transformer;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as detailed in paragraph 8.1.2 of the Paper;
- (c) to note the comments of the District Lands Officer/Tai Po that application should be made to his office for the construction of the proposed electricity package transformer. There was no guarantee that the approval would eventually be given. The approval, if given, might be subject to such terms and conditions, including the payment of fee/rental, as imposed by his department;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that no public sewerage connection was currently available to the application site;
- (e) to note the comments of the Commissioner for Transport that the land status of the existing village track nearby should be checked with the lands authority; and the management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department, and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public

from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;

- (h) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department's comments that if any non-exempted building works were involved, an Authorised Person and/or Registered Structural Engineer should be appointed and formal submission of the proposed non-exempted building works for approval under the Buildings Ordinance was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The provision of emergency vehicular access to the proposed development under B(P)R 41D should also be observed. Detailed comments would be issued at the building plan submission stage.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/408 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1149 in D.D. 19,
Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/408)

Presentation and Question Sessions

35. Ms. Lisa L.S. Cheng, 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 from the agricultural point of view as the potential of the site for agricultural rehabilitation was high;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) although DAFC did not support the application from agricultural point of view and there was no general shortage of land in meeting the demand for Small House development in the concerned “Village Type Development” (“V”) zone; sympathetic consideration could be given for the proposed Small House development in accordance with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (‘Interim Criteria’) as the application site was involved in a previous planning application (No. A/NE-LT/355) approved by the Committee on 7.4.2006 with the validity up to 7.4.2010. As Small House construction within the water gathering ground (WGG) could only commence after the completion of the proposed sewerage works in the area, which was

tentatively to be completed in 2016/2017, delay in the commencement of the previously approved Small House development was beyond the control of the applicant;

- (ii) the proposed Small House footprint, which was the same as that in the previously approved application, fell entirely within the village 'environs' ('VE') of Lam Tsuen San Tsuen;
- (iii) as advised by the Drainage Services Department, the proposed Small House within the WGG would be able to be connected to the planned sewerage system in the area via Lot 1048 RP. According to the applicant, the concerned owner had given consent of having the sewerage connection through his lot; and
- (iv) a number of similar applications for Small House development had been approved by the Committee in the vicinity and within the same "Agriculture" zone on the grounds of their general compliance with the 'Interim Criteria'. The proposed Small House was compatible with the surrounding rural environment which was mainly occupied by fallow agricultural land and village houses. It was also unlikely to have any significant adverse traffic and drainage impacts on the surrounding areas.

36. In response to a Member's question, Ms. Lisa L.S. Cheng said that the current application was for the same Small House development submitted by the same applicant as the previous application No. A/NE-LT/355. The previous application was approved with conditions by the Committee on 7.4.2006 as the proposed Small House generally complied with the Interim Criteria in that the site was entirely within the 'VE' of Lam Tsuen San Tsuen; there was a general shortage of land to meet the demand for Small House development in the concerned "V" zone at that time; and it was able to be connected to the planned sewerage system in the area. According to the Chief Engineer/Project Management of DSD, the scope of provision of village sewerage to the "V" zones in Lam Tsuen Valley area was being finalized under Project 4332DS: Lam Tsuen Valley Sewerage. The project commenced in February 2009 with the village sewerage works near this area to be started in 2012/2013 and completed in 2016/2017 tentatively subject to the land acquisition progress.

Deliberation Session

37. 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 23.12.2014, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;

- (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewerage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was currently available and the sewerage connection would likely be available to the application site when the proposed sewerage works under Project 4332 DS – ‘Lam Tsuen Valley Sewerage’ were completed in around 2016/17;
- (e) to note the comments of the Chief Engineer/Project Management, Drainage Services Department that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by his department;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the application site could not provide the standard fire fighting flow; and
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/333 Proposed Two Houses
 (New Territories Exempted Houses – Small Houses)
 in “Green Belt” zone,
 Lots 297 S.A ss.1 and ss.6 in D.D. 26,
 Shuen Wan Chim Uk, Tai Po
 (RNTPC Paper No. A/NE-TK/333)

Presentation and Question Sessions

39. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – the District Lands Officer/Tai Po did not support the application as the site fell entirely outside the village ‘environs’ (‘VE’)/ ‘Village Type Development’ (“V”) zone enclosing Shuen Wan Chan Uk, Lei Uk and Chim Uk;
- (d) during the statutory publication period, 36 public comments, including Designing Hong Kong Limited, the Chairman of Owners’ Committee of Treasure Sport Garden representing 18 flat owners, nearby residents and some individuals, were received raising objection to the application mainly on the grounds that the site was zoned “Green Belt” (“GB”) which should be preserved and protected; the proposed development was incompatible with the zoning intention and character of the area; there was a lack of sustainable layout plan of infrastructure and development for the area; it

would cause adverse traffic and environmental impacts on the surrounding areas, and set an undesirable precedent resulting in environmental damage and water pollution; and Shuen Wan was a place with high conservation value and the application went against the Government's environmental policy; and

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

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. Although there was a general shortage of land in meeting the future Small House demand in Shuen Wan Sha Lan, Chan Uk, Lei Uk and Chim Uk, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (Interim Criteria) as more than 50% of the footprint of the proposed Small House fell outside the “V” zone and the ‘VE’ of any recognised villages. As no similar planning application for Small House development outside the “V” zone or the ‘VE’ had ever been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area. Since 2003, the Town Planning Board (the Board) had rejected four planning applications (No. A/NE-TK/161, 162, 214 and 216) on review for proposed Small Houses submitted by the same applicants for the reasons of not being in line with the planning intention of “GB” zone, not complying with the Interim Criteria as the sites were located outside both the “V” zone and the ‘VE’ of a recognized village; and setting of undesirable precedent. The site was also the subject of two previous rezoning applications (No. Z/NE-TK/10 and Y/NE-TK/8) for Small House development which were rejected by the Committee in 2004 and 2010 mainly for the reasons that the “GB” zoning was considered appropriate having regard to the existing rural character; and it would set undesirable precedent for other similar applications in the area with cumulative impacts on traffic, infrastructure and the environment.

There was no change in the planning circumstances to merit a departure from the Board/Committee's decisions on the previous applications.

40. In reply to the Chairman's question, Ms. Lisa L.S. Cheng said that as there was a general shortage of land within the "V" zone of Shuen Wan Sha Lan, Chan Uk, Lei Uk and Chim Uk to meet the demand for Small House development, the boundary of the subject "V" zone would be reviewed in due course.

Deliberation Session

41. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the "Green Belt" zone which was primarily for defining 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;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprints of the proposed Small Houses were outside the "Village Type Development" zone and the village 'environs' of any recognised villages; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/334 Temporary Private Garden Ancillary to
New Territories Exempted House for a Period of 5 Years
in “Village Type Development” and “Green Belt” zones,
Government Land Adjoining Lot 950 in D.D. 28,
Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/334)

Presentation and Question Sessions

42. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private garden ancillary to New Territories Exempted House (NTEH) for a period of five years;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. While the proposed garden use with no landscape planting was not incompatible with the surrounding, it was not in line with the planning intention of the “Green Belt” (“GB”) zone where there was a general presumption against development. Approval of the application would set an undesirable precedent for other similar applications in the area resulting in urban sprawl and degradation of landscape quality in this otherwise pleasant landscape setting;
- (d) two public comments were received during the statutory publication period. One of the comments from a Tai Po District Councillor, Mr. Lo Sam-shing,

indicated 'no comment' on the application. The other comment from the Designing Hong Kong Limited objected to the application as over 80% of the site was zoned "GB" and the applied use was not in line with the planning intention for the area; and

- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the conversion of the site into a private garden constituted an ancillary use to house development was not in line with the planning intention of the "GB" zone, within which there was a general presumption against development. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention, even on a temporary basis;
 - (ii) the site was a piece of government land previously comprised vegetated area forming part of the woodland area in the "GB" zone. Since 2004, the site was paved to form a private garden for the NTEH at Lot 950 in D.D. 28. The development did not comply with the Town Planning Board Guidelines No. 10 in that the development had affected the natural landscape on the surrounding area. Although the site area proposed for private garden was small, there were no exceptional circumstances or strong justifications that merited sympathetic consideration of the application. The CTP/UD&L of PlanD objected to the application and raised concerns on the adverse landscape impact caused by the development on the Pat Sin Leng Country Park woodland to the north and the east of the site; and
 - (iii) 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 urban sprawl and degradation of the environment and landscape quality in this otherwise pleasant landscape setting.

43. In response to two Members' questions, Ms. Lisa L.S. Cheng said that the application site was government land and the applicant was required to apply to the Lands Department (LandsD) for a short term tenancy (STT) for private garden use. If the subject application was not approved by the Committee/Town Planning Board (the Board), the LandsD might take enforcement action against the illegal occupation of government land.

44. Two other Members asked whether private garden was a compatible use within the "GB" zone and enquired about the considerations to be taken into account in assessing the private garden use, such as land ownership and the area used for such purpose. The Secretary said that the planning intention of the "GB" zone was primarily to contain urban sprawl and provide passive recreational outlets. Applications for new development in "GB" zone would only be considered in exceptional circumstances and should be justified with very strong planning ground. As the applied use was for private garden ancillary to the applicant's NTEH on-site, Members generally agreed that there was no strong justification for a departure from the planning intention of the "GB" zone.

45. Another Member noted that the NTEH on-site mainly fell within the "GB" zone with only a small portion of its footprint locating within the "Village Type Development" ("V") zone and the village 'environs' ('VE'), which did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' ('Interim Criteria'). Ms. Lisa L.S. Cheng said that the NTEH was approved with conditions by the Committee in 1998 under a previous application No. A/NE-TK/100 for the development of a proposed house (Small House). The Secretary said that the approval of the application pre-dated the 'Interim Criteria' which were first promulgated in 2000. The practice of the Board at that time was that as long as the proposed Small House fell partly within the "V" zone and the 'VE' and was generally compatible with the surrounding rural and village environment, the application would be approved.

Deliberation Session

46. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining 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 strong planning justifications in the submission for a departure from this planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the development had affected the natural landscape; 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 general degradation of the environment and landscape quality in the area.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/335 Temporary Private Garden Ancillary to
New Territories Exempted House for a Period of 5 Years
in “Village Type Development” and “Agriculture” zones,
Lots 1738 s.B RP and 1830 (Part) in D.D. 17 and
Adjoining Government Land, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/335)

Presentation and Question Sessions

47. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary private garden ancillary to New Territories Exempted House (NTEH) for a period of 5 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received from a Tai Po District Councillor raising objection to the application on the grounds that the temporary use would block the existing access to the local residents; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The private garden, which was for the use of the owner of the ground floor of a village house, fell mostly within the “Village Type Development” (“V”) zone (i.e. 71%). Although the temporary private garden use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, it was considered not incompatible with the surrounding uses which were predominantly rural in character with clusters of village houses in the vicinity. It was also unlikely to cause adverse impacts on the surrounding areas. In this connection, concerned government departments had no objection to/no adverse comments on the application. Moreover, the approval of the application on a temporary basis would unlikely frustrate the long-term planning intention of the site. A temporary approval of three years was recommended so that the site could be released or reinstated for future use when needed. Regarding the public comment on the existing access, it should be noted that the temporary garden was at some distance away from the local track on the west and unlikely to block the existing access.

48. A Member said that Application No. A/NE-TK/334 for the same private garden use was rejected by the Committee at this meeting, but this application was recommended to be approved. This Member enquired about the basis for considering these two applications. Ms. Lisa L.S. Cheng said that Application No. A/NE-TK/334 straddled “V” and “GB” zones whereas this application straddled “V” and “AGR” zones. The former application was rejected mainly for the reason of being not in line with the planning intention of “GB” zone, within which there was a general presumption against development. Regarding this application, although the private garden use was also not in line with the planning intention of “AGR” zone, it was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the site. In this regard, PlanD recommended to approve the current application for a period of three years, instead of five years as proposed by the applicant.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2011;
- (b) in relation to (b) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2011;
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (d) 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.

50. The Committee also agreed to advise the applicant of the following :
- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
 - (b) a temporary approval of three years was given so that the site could be released or reinstated for future use when needed;
 - (c) to apply to the District Lands Officer/Tai Po, Lands Department for short term tenancy to permit the applied use; and
 - (d) to note the comments of the Commissioner for Transport that the existing nearby village track was not under his department's jurisdiction. The land status of the village track should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/336 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 611 S.C in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/336)

Presentation and Question Sessions

51. Ms. Lisa L.S. Cheng, 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 (NTEH) – Small House);
- (c) the departmental comments were detailed in Appendix IV of the Paper and highlighted below:
 - (i) the Director of Environmental Protection (DEP) and the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) did not support the application. Although an extension of trunk sewers from Ting Kok Village would be constructed to Shan Liu Village boundary under the ‘Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C’ project, no branch sewer for connection to the subject site was planned within Shan Liu Village. As the proposed Small House was located more than 70m away from the nearest trunk sewer and the site was surrounded by private lots, there would be practical issues on connecting the sewer from the proposed house to the trunk sewer. The use of septic tanks for the proposed development was not acceptable which could not safeguard the water quality in water gathering ground (WGG);
 - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the potential of the site for agricultural rehabilitation was high; and
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. In view of the high landscape quality in the surrounding area, the application site was sensitive to urban development. Disturbances such as site clearance and land filling had already disrupted the high value landscape resources and left unattractive scars therein. Approval of the application would set an undesirable precedent for similar applications in the adjacent “AGR” zone, resulting in urban sprawl

and degradation of landscape quality in this otherwise pleasant landscape setting;

- (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 PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the land available within the “Village Type Development” (“V”) zone of Shan Liu Village could not fully meet the future Small House demand of about 6.65 ha (or equivalent to about 266 Small House sites);
 - (ii) although the application site was entirely within the village ‘environs’ of Shan Liu Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that there was uncertainty in connecting the proposed Small House located within the WGG to the planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the WGG. In this regard, both the DEP and CE/Dev(2), WSD did not support the application in view of the sewerage connection concerns and the potential water quality impact on the WGG; and
 - (iii) the CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view and pointed out that the area was highly sensitive to development. If the application was approved, it would set an undesirable precedent for other similar Small House applications in the area resulting in urban sprawl and degradation of landscape quality in this otherwise pleasant landscape setting. The

applicant also failed to demonstrate that the proposed development would not cause adverse impact on the rural landscape of the area. The DAFC also did not support the application from the agricultural point of view as the potential of the site for agricultural rehabilitation was high.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there was uncertainty on the technical and legal feasibility in connecting the proposed Small House located within the water gathering ground (WGG) to the planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the WGG; and
- (b) the applicant failed to demonstrate that the proposed development would not cause adverse impact on the rural landscape of the area.

Agenda Items 21 to 34

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/464 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.D in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/465 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.H in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/466 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 85 S.B in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/467 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 85 S.C in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/468 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.K in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/469 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.F in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/470 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.G in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/471 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lot 81 S.C in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/472 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.E in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/473 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.I in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/474 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.J in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/475 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 81 S.L in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/476 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 85 S.A in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

A/TP/477 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 85 R.P. in D.D. 21 and Adjoining Government Land,
San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/464-477)

54. Members noted that the 14 applications were similar in nature and the application sites were close to each other and within the same “Green Belt” (“GB”) zone, except for Application No. A/TP/471 which straddled “GB” and “Village Type Development” (“V”) zones. Members agreed that the applications could be considered together.

Presentation and Question Sessions

55. Ms. Lisa L.S. Cheng, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the applications from the landscape planning perspective as the application sites were close to the edge of lush woodland to the southwest, west and northwest, the proposed developments were considered incompatible with the existing landscape character. The construction of the proposed Small Houses would cause disturbance to more parts of the wooded land and encroachment of developments onto the “GB” zone. Also, approval of the applications would set an undesirable precedent to similar applications in the area defeating the purpose of the “GB” zone and rendering an unfavourable environment to the preservation of the existing wooded area;
- (d) during the statutory publication period, seven public comments were received. Two public comments from individuals objected to the applications on the grounds of limited vehicular access, saturation of road network, road safety as well as adverse landscape and drainage impacts generated by the proposed developments. An individual resident objected to Application No. A/TP/471 due to its adverse fung shui impact. The comment from Designing Hong Kong Limited considered that the proposed Small House developments (Applications No. A/TP/464, 470 and 472) were not suitable as they would affect the surrounding environment and there was no sustainable village layout plan for the area. The village representative of San Uk Ka Village and two individual residents did not

object to the applications subject to the provision of adequate infrastructural facilities and appropriate control on site formation and drainage system; and

(e) the PlanD's views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) The proposed Small House developments met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the proposed Small House footprints fell entirely within the village 'environs' ('VE') of San Uk Ka Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of San Uk Ka. In this regard, the District Lands Officer/Tai Po had no objection to the applications. Although the proposed Small House developments were not in line with the planning intention of the "GB" zoning for the area, they were generally compatible with the surrounding environment which was predominantly rural in character occupied by village houses. Whilst CTP/UD&L had reservation on the applications because of their incompatibility with the existing landscape character and precedent effect, the Agriculture, Fisheries and Conservation Department had no strong view on the applications noting that the subject sites were covered with scattered shrubs and grasses, and that the plants to be affected were all common species. To address the concern of CTP/UD&L, an approval condition on submission and implementation of landscape proposal was recommended so as to match with the landscape character of the surrounding developments;
- (ii) there were 14 similar applications for Small House development in the vicinity of the application sites within the same "GB" zone approved by the Committee. The main grounds of approval were in compliance with the 'Interim Criteria' in that the proposed Small Houses footprint fell entirely within the 'VE'; there was insufficient land in the "V" zone of San Uk Ka to meet the future Small House

demand; the Small Houses were generally compatible with the surrounding environment; and the Small Houses would unlikely cause significant adverse environmental, drainage and traffic impacts. The current applications could warrant the same consideration of the approved similar applications for Small House development within the same “GB” zone; and

- (iii) regarding the public objections against the applications with concerns on the limited vehicular access, saturation of road network, road safety, fung shui, adverse landscape and drainage impacts generated by the proposed developments and lack of a sustainable layout, relevant departments including the Agriculture, Fisheries and Conservation Department, the Transport Department and the Drainage Services Department had not raised objection to the applications. For the issue of fung shui, it was not a material consideration in considering planning applications.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 23.12.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and

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

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

- (a) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should make submissions to the District Lands Officer/Tai Po (DLO/TP) to verify if the sites satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (b) to note the comments of the Director of Environmental Protection that the applicants should consult the Drainage Services Department on the technical feasibility of connecting to public sewer and discharging the sewage from the proposed developments to the planned sewerage system. In case connection to public sewer was not feasible, the applicants were required to follow the requirements as set out in Appendix D of the Environmental Protection Department ProPECC PN5/93;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to WSD's standards; and that the water mains in the vicinity of the sites could not provide the standard fire-fighting flow;
- (d) to note the comments of the Commissioner for Transport that the existing village access was not under his department's jurisdiction. The land status of the village access should be checked with the lands authority. The

management and maintenance responsibilities of the village access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (f) for Application No. A/TP/477, to note the comments of the DLO/TP that the application was a cross village application. Under existing Small House policy, no additional government land should be granted. The applicant should be asked to reduce the size of the development, so that the regranted area of the proposed development should not be greater than the surrendered area; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application sites. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application sites, the applicants should carry out the following measures:
 - (i) prior to establishing any structure within the application sites, the applicants and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (ii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/TP/478 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 557 S.D and 558 S.A in D.D. 32 and Adjoining Government Land,
Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/478)

59. The Secretary reported that a letter of 22.12.2010 was received from the applicant requesting to defer the consideration of the application for two months in order to have more time to deal with the public comments raising objection to the application. A copy of the applicant’s letter was tabled at the meeting for Members’ reference.

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

[The Chairman thanked Ms. Lisa L.S. Cheng, STP/STN, for her attendance to answer Members’ enquires. Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/406 Proposed Minor Relaxation of Maximum Gross Floor Area
from 2 308m² to 2 650m² for Permitted Restaurant Use
in “Other Specified Uses” annotated “Restaurant/Commercial
Complex” zone, 5 Sam Shing Street, Castle Peak Bay, Tuen Mun
(RNTPC Paper No. A/TM/406)

Presentation and Question Sessions

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

- (a) the proposal - the subject restaurant was in an existing 3-storey building. The south-western part of the building overlooking Castle Peak Beach had a zigzag façade and the 2/F was set back. To improve building layout and facilitate serving of large banquets, the applicant proposed to extend the building lines at G/F and 1/F of the south-western part of the building and extend the 2/F covering its existing set back area. The site coverage would be increased by about 9.6%. The applicant thus sought planning permission for minor relaxation of maximum gross floor area (GFA) from 2 308m² to 2 650m² with additional GFA of 342m² (+14.82%) for the permitted restaurant use;

- (b) departmental comments were detailed in paragraph 9 of the Paper and were highlighted below:
 - (i) the District Lands Officer/Tuen Mun (DLO/TM, LandsD) advised that the site was subject to, inter alias, a user restriction for restaurant and non-industrial (excluding residential and godown) purposes and a maximum total GFA of 2 308m² under the lease. The owner was required to apply to his office for a lease modification to effect the proposal;

- (ii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) had no in-principle objection to the application under the Buildings Ordinance (BO). However, he advised that the proposal, in particular changing the existing 'Shopping Mall' to 'Restaurant' at G/F and adding restaurant areas at 1/F and 2/F, would tremendously increase the capacity of the building, and there would be inadequate provision of means of escape (MOE) in accordance with Building (Planning) Regulations 41. In addition, the restaurant area at G/F had extended onto the existing 3m-wide passage, which would cause obstruction to the escape route and affect the future maintenance of transformer. Besides, sufficient sanitary fitments provision in accordance with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations should be demonstrated; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that in terms of urban design, considering that the proposed extension was small in scale and that the building was not visually prominent and largely screened off by trees to the southeast boundary, the proposal would unlikely generate significant adverse visual impact on the surrounding area. However, the applicant had not demonstrated any design merits to substantiate the proposed minor relaxation of GFA restriction. Nevertheless, he had reservation on the application from the landscape planning point of view because the existing planter together with tree and shrubs along the western boundary would be removed, resulting in minor disturbance to the existing landscape character and resources. Such loss should be compensated in the proposed extension;
- (c) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (d) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:

- (i) the applicant proposed minor relaxation of GFA from 2 308m² to 2 650m² with additional GFA of 342m² (+14.82%). The increase in plot ratio (PR) would be from 2 to 2.3 (+0.3). The additional GFA was for extension on the southern elevation of the building on G/F (78.47m²), 1/F (61.26m²) and 2/F (186.695m²) for restaurant use. The applicant claimed that the minor relaxation was for straightening out the zigzag façade of the existing building in order to facilitate better utilization of internal space so that large banquets could be served;
- (ii) the GFA restriction of 2 308m² for the subject site was firstly incorporated in the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/26 published on 16.10.2009. The GFA restriction of 2 308m² (equivalent to a PR of 2) was stipulated in accordance with the lease conditions. In view of that the subject site was located at a prominent waterfront location, a PR of 2 for development on the site was not on the low side. Any increase in the development intensity should be fully justified;
- (iii) according to the Explanatory Statement (ES) of the OZP, the minor relaxation clause in the Notes for the “Other Specified Uses” zone was to provide flexibility for innovative design adapted to the characteristics of particular sites. The applicant had not provided any substantial design justification apart from indicating that the flat roof balconies echoed the pleasure garden and the sea beach at the rear of the building. However, the proposed extension would reduce the visual interest of the building which had an interesting zigzag façade as viewed from the public beach. Furthermore, the extension would result in an increase in site coverage (from 72.29% to 79.3%, i.e. an increase of 9.6%) and a more bulky building. There was no photomontage or illustrative drawings to demonstrate the merits of the proposed extension. It should be noted that the proposed increase in GFA (2 650m²) was a round-off figure (2 628.865m²) and the proposed development would be even slightly larger than the indicative scheme. CTP/UD&L had reservation on the proposed extension as the existing landscape character and resources would be disturbed by the proposed extension;

and

- (iv) approval of the application for minor relaxation of GFA restriction would set an undesirable precedent for similar applications, the cumulative effect of which would adversely affect the existing development intensity along the waterfront and the general living environment of Tuen Mun.

62. A Member sought clarification on the planning consideration and assessment of the subject application. In response, Mr. C.C. Lau said that the applicant claimed that the minor relaxation was for straightening out the zigzag façade of the existing building in order to facilitate better utilization of internal space so that large banquets could be served. No information had been provided in the submission to demonstrate that the resultant built form would not reduce the visual interest of the existing building façade or generate adverse landscape impact. It was considered that approval of the current application for minor relaxation of GFA restriction would set an undesirable precedent for similar applications.

63. Another Member enquired about the criteria for assessing applications for minor relaxation of GFA restriction. Mr. C.C. Lau drew Members' attention to paragraph 9.11.4 of the ES of the subject OZP which stated that to provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the plot ratio/GFA restriction might be considered by the Town Planning Board (the Board) through the planning permission system. Each proposal would be considered on its individual merits.

64. A Member opined that innovative design was too broad to be one of the assessment criteria. In view of that the site was located in a renowned coastal tourist spot with a beach to its south and some residential developments to its east and north, this Member suggested that some kind of glass enclosure could be considered to increase the visual interest of the restaurant. Another Member enquired about the percentage range of minor relaxation of GFA restriction approved by the Board in similar applications.

65. In response, the Secretary said that under the Notes of the OZP, the site was subject to a maximum GFA of 2 308m² with a provision allowing application for minor relaxation of such restriction. This provision primarily catered for design/architectural

merits and design flexibility. She quoted an example that the minor relaxation of PR/GFA restriction was to facilitate the extension of the entrance lobby on the ground floor of existing buildings for the benefit of the residents. As regards the current application, providing more floor space for the applicant's business was not considered a design merit. Members were invited to consider if there were design merits associated with the proposed extension.

66. The Secretary went on to say that there was no absolute figure on the limit of minor relaxation. The Committee had previously approved an application for some 20% increase in building height restriction. The crux of the matter was not on the figure but the impact, consequence and implication of the minor relaxation of development restrictions under application.

Deliberation Session

67. A Member did not support the application because it was noted that the GFA restriction stipulated for the subject site under the "OU" zone had taken into account the lease conditions, as-built situation, and the prominent waterfront location of the site. This Member said that the applicant should fully justify the proposed increase in GFA in his submission.

68. Another Member echoed the view that providing more floor space for the applicant's business was not considered a design merit. As the proposed relaxation of GFA restriction would result in a more bulky building, which in turn would affect the character of the area, the increase in development intensity of the subject building would need to be fully justified.

69. A Member concurred with PlanD's view but was concerned about the reasons of rejection which were premised on merits. In this connection, the Secretary briefed Members that previous legal advice had been sought on the subject matter. While consideration of planning application for Column 2 uses would be based on, inter alia, the compatibility of planning intention and surrounding land uses, and whether there would be any adverse impacts of the applied use, consideration of minor relaxation of development restrictions should be based on merits of the proposal. For application for minor relaxation of development restrictions, it was likely that no adverse impact would be resulted from the

proposal because the use was a permitted use. As such, to justify for the increase in development intensity, merits should be looked for, or else there would be an upsurge in such approvals and its adverse cumulative effect could be enormous.

70. A Member opined that it would be advisable to provide more concrete advice to the applicant to facilitate the applicant to modify his proposal. Another Member agreed and said that, alternatively, the rejection reasons could be more specific by setting requirements for the applicant to follow.

71. A Member, however, considered that the rejection reasons as stated in paragraph 12.1 of the Paper were clear. This Member opined that it would be risky to spell out what should be done as part of the rejection reasons.

72. In this connection, the Secretary said that the Board had deliberated on similar principles before. It was not the Board's practice to inform the applicant how to design innovatively or what architectural elements should be included in relation to similar applications.

73. In response to a Member's further comment, the Chairman said that it was noted that there was no photomontage or illustrative drawings to demonstrate how the proposed extension would result in a better appearance than the existing building. A Member echoed that the rejection reasons stated in paragraph 12.1 of the Paper were clear and sufficient.

74. A Member opined that to encourage innovative design, sympathetic consideration might be given to applications for minor relaxation of development restrictions.

75. After some discussions, the Chairman summed up that the application did not merit sympathetic consideration as no information had been provided in the submission to demonstrate that the resultant built form would not reduce the visual interest of the existing building façade or generate adverse landscape impact. Members agreed.

76. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) given that a plot ratio of 2 at this prominent seaside location was not low, the applicant had not provided strong planning justifications for the proposed relaxation of gross floor area (GFA) restriction from 2 308m² to 2 650m² (+14.82%);
- (b) the proposed relaxation of the GFA restriction would result in straightening the zigzag facade of the existing building and substantially covering the existing flat roof on the 2/F, thus diminishing the interesting outlook of the existing building, especially when viewed from Castle Peak Beach. No information had been provided in the submission to demonstrate that the resultant built form would not reduce the visual interest of the existing building façade or generate adverse landscape impact; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for relaxation of GFA restriction in the area. The cumulative effect of approving such applications would adversely affect the existing development intensity of the area.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/407 Proposed Utility Installation for Private Project
(Electricity Package Substation) in “Village Type Development” zone,
Lot 667 S.P (Part) in D.D. 132, Siu Hang Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/407)

Presentation and Question Sessions

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

- (a) background to the application – the site was involved in a previous application (No. A/TM/349) for the same use and submitted by the same applicant. The application was approved with conditions by the Committee on 7.7.2006. The approved development was not commenced and therefore the planning permission lapsed on 7.7.2010;
- (b) the proposed utility installation for private project (electricity package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed package substation was an essential facility to provide electricity supply to the proposed new residential development of 15 blocks of NTEHs nearby. The site area was about 66m² whereas the proposed substation was 12m² in area and 3m in height. In view of the small-scale development and its nature of operation, the substation was considered not incompatible with the village development in the surrounding area and no adverse environmental, drainage, visual and traffic impacts on the surrounding area were anticipated. All the government departments consulted, including the Health Department, Electrical and Mechanical Services Department, Architectural Services Department (ArchSD) and Environmental Protection Department, had no adverse comments on or no objection to the application.

78. A Member noted that the applicant for the proposed substation was a private company and enquired who would be responsible for the future operation and maintenance of the substation. In response, Mr. C.C. Lau said that it was not uncommon that private

companies or groups of individuals would apply for 'Utility Installation for Private Project' for their own development projects. In the subject case, the proposed development of the electricity package substation might be jointly made by the owners of the 15 blocks of NTEH to provide electricity for their houses.

79. A Member noted that ArchSD was consulted regarding the visual aspect in the subject case and enquired the consideration as to when ArchSD would be involved. In response, Mr. C.C. Lau said that ArchSD's advice was sought as there were residential developments in the immediate vicinity of the proposed development.

Deliberation Session

80. 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 23.12.2014, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission of drainage proposal and implementation of flood mitigation measures and/or other stormwater drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Environmental Protection that the discharge of wastewater was controlled under the Water Pollution Control Ordinance;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Moreover, the emergency vehicular access provision in the site should comply with the standards as stipulated in Part IV of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;
- (d) to note the comments of the District Lands Officer/Tuen Mun that the applicant was required to obtain a Short Term Waiver (STW) before erection of the proposed electricity package substation. However, there was no guarantee that the application for STW would necessarily be successful;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed planters were too narrow for tree planting. To enhance the greenery of the site and facilitate the growth of the proposed tree planting, the proposed planters should be enlarged and maximised to its site boundaries. The open paved area should be landscaped to enhance the greenery of the site;
- (f) to note the comments of the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department that the proposed 3m-high substation, if properly screened off with garden/planters from the neighbouring lots, might not have a substantial visual impact on the existing/new three-storey single houses in the vicinity;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that adequate provision of emergency vehicular access should be provided in compliance with B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the

development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Also, formal submission of any proposed new building works was required for approval under the Buildings Ordinance;

- (h) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (i) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services (DEMS); and
- (j) to note the comments of DEMS that the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 38

Section 16 Application

[Open Meeting]

A/TM/408 Proposed Two New Territories Exempted Houses
in “Green Belt” zone, Lots 320 S.A and 320 RP in D.D. 131,
Yeung Siu Hang Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/408)

82. The Secretary reported that the application site fell within an area in Tuen Mun Area 50 which was proposed to be rezoned from “Open Space” (“O”) to “Green Belt” (“GB”) under the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/26, which was exhibited under section 7 of the Town Planning Ordinance on 16.10.2009. Three representations related to this amendment item were received. Upon consideration of the representations on 4.6.2010, the Town Planning Board (TPB) decided not to uphold the representations. According to the TPB Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representations yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. As such, the Planning Department recommended to defer the consideration of the application pending the final decision of the CE in C on the OZP.

83. After deliberation, the Committee decided to defer a decision on the application pending the Chief Executive in Council’s decision on the Tuen Mun Outline Zoning Plan.

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

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/706 Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone,
Lots 1837 (Part), 1838 (Part), 1843 (Part), 1844 (Part), 1845 (Part) and 1846 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/706)

Presentation and Question Sessions

84. 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 recyclable collection centre (including plastics, paper and metals) with ancillary workshop for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone which was predominantly occupied

by open storage yards falling within Category 1 areas under the Town Planning Board (TPB) Guidelines No. 13E. Approval of the application on a temporary basis would not frustrate the long-term development within the zone since there was no known development for the site;

- (ii) the application was in line with TPB Guidelines No. 13E in that there was no adverse comment from concerned government departments and no local objection against the application;
- (iii) the Committee had approved seven previous applications (No. A/YL-HT/7, 345, 354, 511, 512, 608 and 609) for similar temporary open storage uses since 1996. Since the granting of these previous approvals, there had been no material change in the planning circumstances;
- (iv) as the applicant had yet to comply with the approval conditions on the provision of fire service installations (FSIs) of Applications No. A/YL-HT/608 and 609, shorter compliance periods were continued to be recommended to monitor the fulfilment of approval conditions. Moreover, the applicant would be advised that should he fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application; and
- (v) due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications (No. A/YL-HT/626, 632, 662, 666, 679, 683, 700 and 703) for various temporary open storage and port back-up uses within the same "U" zone. As the site was in close proximity to these similar applications, approval of the subject application was in line with the previous decisions of the Committee.

85. Members had no question on the application.

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, 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 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances, as proposed by the applicant, during the planning approval period;
- (d) no handling (including loading, unloading and storage) of cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) no container vehicle was allowed to be used for the operation of/ parked/stored on the site, as proposed by the applicant, during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved applications No. A/YL-HT/608 and 609 should be maintained during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2011;
- (h) 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 23.3.2011;

- (i) in relation to (h) above, the implementation of the accepted 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 23.6.2011;
- (j) 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 23.3.2011;
- (k) in relation to (j) above, the implementation 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 23.6.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) the permission was given to the recyclable collection centre (including plastics, paper and metals) with ancillary workshop under application. It did not condone to the open storage of used electrical appliances or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) shorter compliance periods were granted in order to monitor the

compliance of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (c) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. The applicant should apply to his office to permit structures to be erected, or regularize any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including the payment of premium/fees, as might be imposed by LandsD. The applicant should consult the Chief Engineer/Land Works, Civil Engineering Development Department for the access arrangement from the site to Ping Ha Road through Government Land Allocation No. TYL 825 during and after the implementation of the works of Ping Ha Road Improvement – Remaining Works. His office did not provide maintenance works for or guarantee the right-of way of the vehicular access through other private land and government land leading from Ping Ha Road to the site;
- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on-site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Proposed offices and stores (including containers, if any) were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/213 Temporary Open Storage of Containers with Ancillary Container Repair Workshop for a Period of 3 Years in “Residential (Group E)” zone, Lots 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A (Part), 2314 RP (Part), 2317 (Part), 2318, 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348 (Part), 2349 (Part), 2352 (Part) and 2353 (Part) and Adjoining Government Land in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/213)

Presentation and Question Sessions

88. 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 container repair workshop for a period of three 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 (Lau Fau Shan Road), and environmental nuisances was expected. Besides, one water pollution complaint against the site was received by DEP in 2009;

- (d) during the statutory publication period, one public comment was received requesting relocation of the container repair workshop away from her residence which was less than 1m away from the site. The commenter alleged that the workshop operated before 8:00 a.m. and on Sundays. The noise nuisance and odour had affected the infant and the elderly in her family. Polluted water spilling out from the site through the ingress/egress had also affected the pedestrian safety; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper, which were summarised below:
 - (i) although the applied use was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, there was no immediate development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim. In this regard, apart from a few residential dwellings, the area to its north, east and west was predominantly occupied by vehicle parks, workshops and open storage yards. The development was therefore not incompatible with the general character of the area;
 - (ii) DEP did not support the application as there were sensitive receivers in the vicinity of the access road (Lau Fau Shan Road). There was also a water pollution complaint against the site in 2009. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, the stacking height of materials/containers and workshop activities on-site, prohibition of logistics/freight forwarding activities, restriction of vehicle speed within the site, and maintenance of the paving of the local access road/erected noise barrier/solid boundary fencing within the site, had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and subject to enforcement action by the Planning Authority;

- (iii) regarding the public comment requesting to relocate the container repair workshop away from her residence, it was noted that container repair activities were currently being carried out along the northern boundary of the site which was in close proximity to isolated residential dwellings. An approval condition prohibiting container workshop activities within 50m of the north-western site boundary was therefore recommended. The concern on the environmental impact of the applied use on the surrounding areas could also be addressed through the approval conditions. Moreover, a shorter approval period of one year was recommended to monitor the situation on-site. In respect of the commenter's allegation that the workshop operated before 8:00 a.m. and on Sundays, PlanD would step up the monitoring of the compliance with the concerned conditions;
- (iv) the development was in line with the Town Planning Board (TPB) Guidelines No. 13E in that the concerns of DEP and the commenter could be addressed by way of approval conditions, and there was no adverse comment from other concerned government departments; and
- (v) the Committee had approved eight previous applications (No. A/YL-LFS/35, 47, 61, 126, 138, 171, 188 and 197) for similar open storage uses at the site. Application No. A/YL-LFS/197 was submitted by the same applicant for the same use, and all the approval conditions of that case had been complied with. Due to the demand for open storage and port back-up uses in the area, the Committee had also approved a number of similar applications (No. A/YL-LFS/186, 193, 204 and 211) for various temporary open storage uses within the same "R(E)" zone. Approval of the subject application was in line with the previous decisions of the Committee.

89. A Member noted that all the approval conditions of the previous application No. A/YL-LFS/197 had been complied with and asked for the reason of recommending an approval period of one year only for the current application. Mr. Anthony C.Y. Lee said that while the applied use was generally in line with the TPB Guidelines No. 13E and could be tolerated, there were adverse comments from the DEP and the public. As such, PlanD

recommended a shorter approval period of one year in order to monitor the situation of the site and the compliance with approval conditions.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 23.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored within 5m to 10m of the northern periphery of the site should not exceed 3 units, and the stacking height of containers stored at any other location within the site should not exceed 7 units, as proposed by the applicant, during the planning approval period;
- (e) other than ancillary container repair workshop as applied for, no recycling, cleansing, dismantling, repairing or other workshop activities, as proposed by the applicant, was permitted on the site during the planning approval period;
- (f) no container repair workshop activity within 50m of the north-western site boundary was permitted during the planning approval period;
- (g) no logistics/freight-forwarding operation was permitted on the site during the planning approval period;

- (h) restriction of vehicle speed within the site to 15km/hr at all times during the planning approval period;
- (i) the paving of the local access road within the site should be maintained at all times during the planning approval period;
- (j) the 2.5m high modified boundary fencing at the western side of the loading/unloading area, and the 6.8m high noise barrier or structures at the boundary fencing erected on the site under Application No. A/YL-LFS/197 should be maintained at all times during the planning approval period;
- (k) no storage of materials or dumping of debris was allowed within 1m of any tree on the site during the planning approval period;
- (l) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (m) the drainage facilities implemented on the site under Application No. A/YL-LFS/197 should be maintained at all times during the planning approval period;
- (n) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.3.2011;
- (o) 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 23.3.2011;
- (p) in relation to (o) above, the implementation 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 23.6.2011;

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

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

- (a) a shorter approval period of one year and shorter compliance periods were granted in order to monitor the situation of the site and the compliance with approval conditions, in particular (a) and (b);
- (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 held under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. Change of use of the subject site would cause a breach of the terms of the Letter of Approval No. M22783 and Modification of Tenancy No. MT/M 14279. The registered owner of the lots concerned should apply to his office to permit structures to be erected or regularize any irregularities on-site, including the seven temporary structures used as site office (converted containers) and site office cum rain shelter as well as the 2.5m high brick wall/noise barrier erected on private land for complying with an approval condition under Application No. A/YL-LFS/197. The occupier was also required to apply to his office

for the occupation of government land (3 823m²). If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by the Lands Department. His office did not guarantee right-of-way to the site from Lau Fau Shan Road via the informal track on 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 Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be clear, concise, drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly indicated on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as 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. Rain shelters and containers used as office were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission under the

BO was required for any proposed new works, including any temporary structure; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any 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.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/214 Temporary Warehouse (Storage of Recyclable Materials including Plastics, Metals, Clothes and Wood Product) with Ancillary Workshop for a Period of 3 Years in "Recreation" zone,
Lots 2066 and 2010 in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/214)

Presentation and Question Sessions

92. Mr. Anthony C.Y. Lee, STP/TMYL, said that the replacement page for Pages 8 and 12 and a new Plan A-3c for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse (storage of recyclable materials including plastics, metals, clothes and wood product) with ancillary workshop for a period of

three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (a residential dwelling) in the vicinity of the site (about 35m away) and along the access road (Deep Bay Road), and environmental nuisances was expected. Besides, one air pollution, one water pollution and two waste pollution complaints against the site were received in 2010. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning perspective. Although no valuable landscape resources were found on-site, the site was zoned “Recreation” (“REC”) and the nature of the development was not compatible with the planned landscaped environment. Approval of the application would set a precedent for further incompatible developments in the “REC” zone;

- (d) during the statutory publication period, one public comment was received from Designing Hong Kong Limited raising objection to the application on the grounds that the applied use was a blight on the environment, and not in line with the planning intention for the area. Should the application be approved, a condition should be imposed requiring quality landscaping and well-designed perimeter fencing to mitigate the blight; and

- (e) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “REC” zone which was primarily for recreational developments for the use of the general public. The applicant had not provided any planning justification for the application. Although there were similar open storage uses and workshops in the vicinity of the site in the subject “REC” zone and the adjoining “Coastal Protection Area” (“CPA”) zone, all of these developments were suspected unauthorised developments

(UDs) currently being enforced by the Planning Authority. In this regard, CTP/UD&L objected to the application from the landscape planning perspective on the grounds of incompatibility of the nature of the development with the planned landscape environment of the “REC” zone, as well as the precedent effect of approving the application;

- (ii) 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. There were also a total of four environmental complaints against the site in 2010 on air, water and waste pollution;
- (iii) the applicant advised that container vehicles would be used. It was noted that the site gained access from the single-lane-two-way Deep Bay Road which had limited traffic capacity. In this regard, the Transport Department advised that vehicles over 10m long were not permitted to use the section of Deep Bay Road at the northern side of its junction with Lau Fau Shan Road; and
- (iv) there was one public comment raising objection to the application on the grounds that using the site for warehouse was a blight on the environment, and not in line with the planning intention for the area.

93. Members had no question on the application.

Deliberation Session

94. In response to a Member’s concern, Mr. Anthony C.Y. Lee said that the site was partly being used for the applied use without planning permission. Enforcement Notice was issued to the concerned parties requiring the discontinuance of the UD. If the requirement of the Enforcement Notice was not complied with, prosecution action would be taken against the notice recipients. The decision of the Committee on this application would also be conveyed to the Planning Authority for follow-up action.

95. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper

and considered that they were appropriate. The reasons were :

- (a) the applied use was not in line with the planning intention of the “Recreation” (“REC”) zone, which was primarily for recreational developments for the use of the general public. There was no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) there were adverse departmental comments on the traffic, landscape and environmental aspects and the development would have environmental nuisance and adverse traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar open storage and warehouse uses in the “REC” zone, the cumulative effect of which would result in a general degradation of the environment of the area.

[The Chairman thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lee left the meeting at this point.]

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-NTM/256 Temporary Open Storage of Construction Materials with Ancillary Site Office for a Period of 3 Years in “Village Type Development” zone, Lots 1827 S.A, 1827 S.B, 1827 S.C, 1827 RP, 1828 and 1829 in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/256)

96. The Committee noted that the applicant requested on 10.12.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to address public and departmental comments and submit further information to substantiate the subject roads were capable of handling the delivery vehicles.

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-KTS/499 Proposed Houses
in “Other Specified Uses” annotated “Rural Use” zone,
Lot 618 RP in D.D. 106,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/499)

98. The Committee noted that the applicant requested on 10.12.2010 for a deferment of the consideration of the application for two months in order to allow sufficient time to address the outstanding departmental comments.

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

granted unless under very special circumstances.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/518 Proposed Utility Installation for Private Project
(Electricity Package Substation) and Excavation of Land
in “Village Type Development” zone,
Lot 348 RP (Part) in D.D. 106,
Shek Wu Tong, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/518)

100. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had business dealings with Ted Chan & Associates Limited, the consultant of the application. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

101. 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 utility installation for private project (electricity package substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen

Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed electricity package substation was required for the provision of necessary electricity supply to a proposed development for 35 Small Houses in the locality. The excavation of land of about 2m in depth was of a small scale and was considered not incompatible with the surrounding area.

102. Members had no question on the application.

Deliberation Session

103. 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 23.12.2014, 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 landscaping proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of an emergency vehicular access, water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that the site was accessible via an informal track on other private land and a local access road branched off from Kam Sheung Road. His office did not provide maintenance works to the route or guarantee the right-of-way.

The lot owner should apply to his office to permit structure to be erected on the site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the Lands Department;

- (b) to note the comments of the Commissioner for Transport that the land status of the road leading to the site (i.e. the existing access road leading to Kam Ho Road) should be checked with the lands authority. The management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc.;
- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (f) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance, was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(13) at the building plan submission stage. The applicant should observe the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/274 Proposed Utility Installation for Private Project
(Electricity Package Substation) and Excavation of Land
in “Residential (Group D)” and “Village Type Development” zones,
Lot 3339 S.L (Part) in D.D. 116, Nga Yiu Tau, Shap Pat Heung,
Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/274)

Presentation and Question Sessions

105. 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 utility installation for private project (electricity package substation) and excavation of land;
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed electricity package substation was required to serve future village developments at Nga Yiu Tau and was considered as an essential facility to provide and maintain electricity supply to the existing and future village type developments within the “Village Type Development” zone. In this regard, the Electrical and Mechanical Services Department had no adverse comment on the application. The development was also considered not incompatible with the surrounding areas. Moreover, the proposed electricity package substation was of a relatively small scale and required infrequent maintenance. It was not expected to cause any significant adverse environmental, traffic and drainage impacts on the surrounding areas.

106. Members had no question on the application.

Deliberation Session

107. 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 23.12.2014, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of water supplies for fire-fighting,

emergency vehicular access (EVA) and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no structures were allowed to be erected without his prior approval. The site was accessible through an informal local track on other private land. His office did not provide maintenance works to this track or guarantee right-of-way. The lot owner should apply to his office to permit structure to be erected on-site. Should the application be approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that details of the boundary wall should be provided for review and landscape treatment to the boundary wall for screening and softening effect should be proposed;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc.;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and 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;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works of the electricity package substation for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The requirements on the provision of EVA to all buildings under B(P)R 41D should also be observed;

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

- (h) to note the comments of the Director of Health that, according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines

should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and

- (i) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services.

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/505 Temporary Warehouse for Storage of Non-Staple Food
for a Period of 3 Years in “Undetermined” zone,
Lots 1220 RP (Part), 1221 RP (Part) and 1223 RP (Part) in D.D. 119
and Adjoining Government Land, Kung Um Road,
Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/505)

Presentation and Question Sessions

109. 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 warehouse for storage of non-staple food for a period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the north and south of the 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 temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage that could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with its surrounding areas which comprised a number of warehouses, open storage yards and workshops. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application on environmental nuisance ground, the development was for storage purpose in enclosed warehouse structures and the type of non-staple food being stored (e.g. pre-packed instant noodles as seen on-site) was relatively clean. The applicant proposed to operate the site only between 8:00 a.m. and 6:00 p.m. with no operation on statutory holidays. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address possible concern on the environmental impact, approval conditions restricting the operation hours and restricting the use of medium and heavy goods vehicles were recommended.

110. Members had no question on the application.

111. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, 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 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to enter/exit the application site at any time during the planning approval period;
- (d) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.6.2011;
- (e) in relation to (d) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.9.2011;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2011;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2011;
- (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 23.6.2011;

- (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 23.9.2011;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Letter of Approval No. MT/LM 14544 was granted to allow the erection of agricultural structures on Lot 1220 RP in D.D. 119. The lot owner should apply to his office to permit structures to be erected or to regularize any irregularities on-site. If approval was

granted, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible to Kung Um Road via a short stretch of government land. His office did not provide maintenance works on the government land or guarantee right-of-way. Moreover, parts of the government land had been granted to the Water Supplies Department and the Drainage Services Department respectively for projects entitled 'Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction' and 'Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)';

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113/H1114 or H5133/H5134/H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site onto the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations (FSIs) proposal as set out in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his Department for consideration;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures without approval under the

Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The proposed warehouses, office and shelter were considered as temporary buildings which were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/506 Renewal of Planning Approval for Temporary ‘Office for War Game Centre with Ancillary Storage Area’ Use under Application No. A/YL-TYST/406 for a Period of 2 Years in “Undetermined” zone,
Lots 489 (Part), 490 S.A and 723 (Part) in D.D. 119,
Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/506)

Presentation and Question Sessions

113. 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 renewal of planning approval for temporary ‘office for war game centre with ancillary storage area’ use under Application No. A/YL-TYST/406, which would lapse on 2.1.2011, for a period of two years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for another two years based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines

No. 34B in that there had been no material change in planning circumstances since the granting of the previous approval under Application No. A/YL-TYST/406; the conditions of the previous approval had been complied with; and the 2-year approval period sought was of the same timeframe as the previous approval. Moreover, no complaint had been received on the use at the site during the past approval period. The office with storage use under application was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with its surrounding areas which comprised a number of warehouses. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area.

114. Members had no question on the application.

Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 3.1.2011 to 2.1.2013, 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 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no vehicles longer than 7m, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained

at all times during the planning approval period;

- (d) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 2.7.2011;
- (e) in relation to (d) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 2.10.2011;
- (f) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.7.2011;
- (g) in relation to (f) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.10.2011;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner should apply to his office to permit structures to be erected or to regularize any irregularities on-site, except for Lot 489 in D.D. 119 as application for Short Term Waiver for the purpose of war game centre had been received. If approval was granted, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track or guarantee right-of-way. Moreover, parts of the government land had been granted to the Water Supplies Department and the Drainage Services Department respectively for projects entitled 'Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction' and 'Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)';
- (c) to note the comments of the Commissioner for Transport that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office did not maintain the vehicular access track from the site to Kung Um Road;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental

nuisances;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that an existing tree, *Celtis sinensis* (朴樹), at the centre of the site was found having large cavities and decay which would be hazardous to the users of the site. A tree risk assessment and corresponding remedial measures should be undertaken by a certified arborist;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, justifications should be provided to his Department for consideration; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on-site under the Buildings Ordinance (BO) and the allied regulations. Actions

appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. Emergency vehicular access should also be provided to all buildings on-site under B(P)R 41D. Detailed consideration would be made at the building plan submission stage.

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/507 Renewal of Planning Approval for Temporary ‘Place of Recreation (War Game Playground)’ Use under Application No. A/YL-TYST/407 for a Period of 2 Years in “Green Belt” zone, Lots 7 to 10, 14, 31 to 34, 39, 40 (Part), 41 to 51, 54, 70, 77, 118 to 126, 417 RP and 515 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/507)

Presentation and Question Sessions

117. 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 renewal of planning approval for temporary ‘place of recreation (war game playground)’ use under Application No. A/YL-TYST/407, which would lapse on 2.1.2011, for a period of two years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the statutory publication period, one public comment was received raising objection to the application on the grounds that the applied use was not in line with the planning intention of the “Green Belt” (“GB”) zone; there was no information on how the trees would be protected and managed and compensation scheme was lacking; and approval of the application would set an undesirable precedent for similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for another two years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was generally in line with the Town Planning Board (TPB) Guidelines No. 34B in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/YL-TYST/407; the conditions of the previous approval had been complied with; and the 2-year approval period sought was of the same timeframe as the previous approval. Moreover, no complaint had been received on the use at the site during the past approval period;
 - (ii) although there was a general presumption against development in the “GB” zone, the applied war game playground with all the trees on-site being preserved and no paving, land excavation and erection of permanent structures was considered not incompatible with the rural and tranquil character of its surrounding woodland environment. In this regard, the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape, PlanD had no adverse comment on the application. Given that the development would be supported by a nearby office and storage area in the

“Undetermined” zone, it would unlikely overstrain the capacity of existing and planned infrastructure; and

- (iii) regarding the public comment, it was noted that the applied use and its potential impacts had already been duly considered and approved by the TPB under the previous application (No. A/YL-TYST/406) on review in 2009, and the approval conditions on submission and implementation of landscape and tree preservation proposals had been complied with by the applicant. Relevant approval condition requiring the maintenance of the existing landscape planting on-site had also been recommended.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 3.1.2011 to 2.1.2013, 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 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no new or further excavation of the existing ditches, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing protective fence on the application site should be maintained at all times during the planning approval period;
- (d) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) 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; and

- (f) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant should apply to his office for approval to allow the erection of any structure, including converted containers. LandsD acting in the capacity as landlord might approve such application at its sole discretion. If such approval was granted, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track or guarantee right-of-way. Moreover, parts of the government land had been granted to the Water Supplies Department (WSD) and the Drainage Services Department (DSD) respectively for projects entitled ‘Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction’ and ‘Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)’;
- (c) to note the comments of the Commissioner for Transport that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance

authorities accordingly;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the access arrangement of the site;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, DSD that all the existing drainage facilities, watercourses, flow paths as well as runoff falling onto and passing through the site should be properly maintained. The development should neither obstruct overland flow nor adversely affect any existing watercourse, village drains or ditch;
- (g) to note the comments of the Chief Engineer/Development (2), WSD that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at the building plan submission stage.

Agenda Item 49

Section 16 Application

[Open Meeting]

A/YL-TYST/508 Temporary Open Storage of Building Materials
for a Period of 3 Years in “Undetermined” zone,
Lot 2358 RP (Part) in D.D. 120, Tin Liu Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/508)

121. The Committee noted that the applicant requested on 7.12.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the technical comments of the Fire Services Department.

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

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/509 Temporary Open Storage of Construction Machinery, Construction Materials, Metal Ware and Vehicle Spare Parts for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/509)

Presentation and Question Sessions

123. 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 site was involved in a previous application (No. A/YL-TYST/359) for similar use and submitted by the same applicant. The application was approved with conditions by the Committee on 24.8.2007. The approval conditions had been complied with by the applicant. The planning permission lapsed on 24.8.2010;
- (b) the temporary open storage of construction machinery, construction materials, metal ware and vehicle spare parts for a period of three years – compared with the previous application, the current application covered a smaller site of about 3 510m² because the area occupied by a residential structure to its northeast was not included in the current application;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate northeast, southwest and in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of one year based on the assessments set out in paragraph 12 of the Paper, which were summarised below:
 - (i) a majority of the site (95.9%) fell within the “Undetermined” (“U”) zone with only a small portion (4.1%) straddling the adjacent “Village Type Development” (“V”) zone. The application was generally in line with the Town Planning Board Guidelines No. 13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. The site was involved in a previous planning approval (No. A/YL-TYST/359) for similar use and the approval conditions had been complied with before the permission lapsed on 24.8.2010. There were also similar applications approved in this part of the “U” zone. The area was generally intended for open storage and port back-up uses but was designated as “U” mainly due to concerns on the capacity of Kung Um Road. In this regard, the Transport Department had no adverse comment on the application. Although about 4.1% of the site fell within the “V” zone, this portion of land had been included in the previous application (No. A/YL-TYST/359) and the Lands Department advised that currently there was no Small House application within this part of the “V” zone. A such, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) the development was not incompatible with the surrounding areas which were mixed with open storage yards, workshops, scattered residential structures and agricultural land. Although DEP did not support the application on environmental nuisance ground, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time

between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays, not to carry out workshop activities and not to use heavy vehicles for the operation of the site; and

- (iii) however, there had been a change in site circumstances since the approval of the previous application (No. A/YL-TYST/359) in 2007 as four Small Houses had been approved in the “V” zone immediately adjoining the south-eastern boundary of the site and three of them were now under construction. Since these new houses could be subject to more direct environmental impact from the site, a shorter approval period of one year was recommended to monitor the situation on the site and a 10m-wide buffer area prohibiting open storage was also proposed to minimize the potential environmental nuisances on the adjoining “V” zone. To further address possible concern on the environmental impact, approval conditions restricting the operation hours, prohibiting open storage within the buffer area and carrying out of workshop activities and restricting the types of vehicles used were also recommended.

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 23.12.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no open storage within 10m from the south-eastern boundary of the application site adjoining the “Village Type Development” zone during the planning approval period;
- (d) no dismantling, repairing, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.3.2011;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2011;
- (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 23.3.2011;
- (j) in relation to (i) 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 23.6.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby

given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently exists on the site but was not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) shorter approval period was granted to monitor the situation on the site and shorter compliance periods for approval conditions were given correspondingly;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Permit No. MNT 14482 was granted to allow for erection of agricultural structures on Lots 2406, 2407 and 2419 (Part) in D.D. 120. The lot owner should apply to his office to permit structures to be erected or to regularize any irregularities on-site. If approval was

granted, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works to this track or guarantee right-of-way. Moreover, parts of the government land had been granted to the Water Supplies Department and the Drainage Services Department respectively for projects entitled ‘Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction’ and ‘Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)’;

- (f) to note the comments of the Commissioner for Transport 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 that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (h) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that, when compared with the implemented and accepted landscape works for the previously approved application (No. A/YL-TYST/359), about 15 numbers of trees were found missing or dead on-site. Thus, replacement planting was required. The four existing trees along the southern boundary were covered by vines

which should be cleared in order to prevent those vines tangling the trees to death;

- (j) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal as set out in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, justifications should be provided to his Department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. Kepler S.Y. Yuen, STP/TMYL, for his attendance to answer Members' enquires. Mr. Yuen left the meeting at this point.]

Agenda Item 51

Section 16 Application

[Open Meeting]

A/TM-LTY Y/209 Temporary Vehicle Repairing Workshop and Warehouse
for a Period of 3 Years in "Village Type Development" zone,
Lot 1996 S.B RP (Part) in D.D. 130 and Adjoining Government Land,
Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/209)

127. The Committee noted that the applicant requested on 8.12.2010 for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address comments of government departments and seek views from village representatives.

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/188 Proposed Temporary Shop and Services (Estate Agency)
for a Period of 3 Years in “Open Space” zone,
Lot 2905 S.C RP (Part) in D.D. 104 and Adjoining Government Land,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/188)

Presentation and Question Sessions

129. Mr. K.C. Kan, STP/TMYL, 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 (estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper, which were summarised below:
 - (i) approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “Open

Space” (“O”) zone as there was no definite development programme for implementing the proposed open space, as advised by the Leisure and Cultural Services Department;

- (ii) the applied use was considered not incompatible with the surrounding land uses which comprised residential dwellings, open storage and vacant land;
- (iii) according to the Town Planning Board Guidelines No. 12B, the site fell within the Wetland Buffer Area which was intended to protect the ecological integrity of the fish ponds and wetland within the Wetland Conservation Area and prevent development that would have off-site disturbance impact on the ecological value of fish ponds. In view of that the site was located at some distance from the fish ponds and wetlands in the Deep Bay area and separated by the major residential developments at Royal Palms and that the proposed scale of development was relatively small (about 565m²), the envisaged off-site impacts on the wetlands and fish ponds would be insignificant. In this regard, the Agriculture, Fisheries and Conservation Department had no comment on the application;
- (iv) given the small scale and nature of the applied use, it was anticipated that its traffic, environmental, drainage and landscape impacts would not be significant; and
- (v) recent similar applications No. A/YL-MP/164, 175 and 179 for temporary shop and services (estate agent) and Application No. A/YL-MP/180 for temporary sales offices and furniture showrooms within the same “O” zone were all approved by the Committee between 2008 and 2010. Approval of the subject application was in line with the previous decisions of the Committee.

130. Members had no question on the application.

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 10.15 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2011;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.9.2011;
- (e) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.6.2011;
- (f) in relation to (e) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2011;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2011;
- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2011;

- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no structures were allowed to be erected within the application site without the prior approval of his office, and no approval had been given for the specified structures of estate agent office, storeroom, mobile toilet and meeting room/pantry and porch. About 180m² of government land (GL) had been included in the site for which no permission had been given for its occupation by his office. Enforcement action would be taken by his office against any unauthorized occupation of GL. Access to the site from Castle Peak Road required traversing through the project limit of PWP Item No. 7259RS, namely 'Cycle Tracks Connecting North West New Territories with North East New Territories –

Section from Tune Mun to Sheung Shui' and a short stretch of GL. His office did not provide maintenance works for this GL or guarantee right-of-way. Should planning approval be given to the application, the lot owner would still need to apply to his office to permit structure to be erected or regularize any irregularities on-site. The occupier was also required to apply to his office for the occupation of GL involved. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department 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 BO or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as offices and storerooms were considered as temporary structures and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3) during the building plan submission stage. The requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D should also be observed;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize potential environmental impacts on the surrounding areas;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from Castle Peak Road – Mai Po 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 that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Mai Po;
- (h) to note the comments of the Director of Fire Services that FSIs were required in consideration of the design/nature of the proposed structure or standalone structure used as ancillary office/storeroom. Fire extinguisher(s) should be provided to temporary structures of an area less than 230m². The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the measures as prescribed in Appendix IV of the Paper; and
- (j) to note the comments of the Project Manager (New Territories North & West), Civil Engineering and Development Department that the application site should not encroach onto the project limit of PWP Item No. 7259RS ‘Cycle Tracks Connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui’.

Agenda Items 53 and 54

[Closed Meeting]

133. These two items were recorded under separate confidential cover.

Agenda Item 55

Any Other Business

134. There being no other business, the meeting closed at 5:05 p.m..