

TOWN PLANNING BOARD

**Minutes of 437th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 18.3.2011**

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. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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 Secretary
Miss Ophelia Y.S. Wong

Absent with Apologies

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

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

In Attendance

Assistant Director of Planning/Board
Miss H. Y. Chu

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

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 436th RNTPC Meeting held on 4.3.2011

[Open Meeting]

1. The draft minutes of the 436th RNTPC meeting held on 4.3.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

General

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Ms. Amy Y.M. Cheung, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mrs. Alice K.T. Mak, Senior Town Planner/Metro & Urban Renewal (STP/MUR), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area”
on Statutory Plans in the New Territories for the Year 2010/2011
(RNTPC Paper No. 2/11)

3. Mrs. Alice Mak, STP/M&UR, said that it had been the Board’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that

had been designated for more than three years. The review would assist the Committee in considering whether the zoning of individual “CDA” sites should be retained/amended and in monitoring the progress of the “CDA” developments. With the aid of a Powerpoint presentation, Mrs. Alice Mak presented the results of the latest review on CDA sites in the New Territories as detailed in the Paper and made the following main points:

- (a) the subject review covered a total of 63 “CDA” sites. 30 of them had no approved Master Layout Plan (MLP) and the remaining 33 had approved MLP;

30 “CDA” Sites with No Approved MLP

- (b) among the 30 “CDA” sites with no approved MLP, 22 of them were proposed for retention, five “CDA” sites had been agreed for rezoning and three “CDA” sites were identified with potential for rezoning;
- (c) among the 22 sites proposed for retention as detailed in Appendix I of the Paper, proposals for six sites were actively being pursued with MLPs being prepared; approved MLPs for three sites had lapsed and the applicants were reviewing the development proposals for the sites; review of land use proposals for five sites were subject to the findings of the on-going or proposed planning studies; and eight sites were subject to such concerns as traffic, environmental and/or visual impacts which needed to be properly addressed;
- (d) five “CDA” sites had previously been agreed for rezoning as detailed in Appendix II of the Paper. However, the rezoning of four sites in Ha Tsuen (NTW 10, NTW 11, NTW 12 and NTW 13) was held back until completion of the Hung Shui Kiu New Development Area Study (HSK NDA). The Former Burma Lines Military Sites at Fanling (NTE19) had been zoned “CDA” since 1999 for comprehensive development for a residential cum open space development. To reflect the Administration’s latest intention in 2010 to develop the site for tertiary educational use, the site would be rezoned to an appropriate zoning to facilitate the educational

use when the necessary development parameters were provided by the Education Bureau;

- (e) the remaining three “CDA” sites were identified with potential for rezoning as detailed in Appendix III of the Paper. For the “CDA” site abutting Tung Wui Road and Kam Po Road, Kam Tin (NTW 49), the Director of Leisure and Cultural Services confirmed that the public landscaped area should be separated from the private residential development under the prevailing public open space policy. In this regard, amendment to the “CDA” zoning of the site was required. Another “CDA” site was at Ma Liu Shui San Tsuen (NTE 9). The site had been zoned "CDA" for 14 years with no significant progress in implementation of the approved development scheme. Hence, it was considered appropriate for the Planning Department (PlanD) to conduct a review on the optimal zoning of the site. Another “CDA” site was at Whitehead Headland in Ma On Shan (MOS 1). Amendment to the “CDA” zoning of the site was required taking into account the “Feasibility Study for Housing Development at Whitehead and Lee On in Ma On Shan, Sha Tin” and the preliminary planning review by PlanD;

[Dr. W.K. Lo and Professor Edwin H.W. Chan arrived to join the meeting at this point. Mr. B. W. Chan left the meeting at this point.]

33 “CDA” Sites with Approved MLP

- (f) among the 33 “CDA” sites, 27 “CDA” sites were proposed for retention, two sites had already been agreed for rezoning, two sites were proposed for rezoning and two sites were identified with potential for rezoning;
- (g) 27 “CDA” sites proposed for retention were sites either had some progress or were at various stages of implementation as detailed at Appendix IV of the Paper. Retention of the “CDA” designations for these sites was considered necessary to ensure that the development was properly implemented in accordance with the approved MLPs and approval

conditions;

- (h) two sites had previously been agreed by the Committee for rezoning as detailed in Appendix V of the Paper. One of the sites was the site at Tak Yip Street, Yuen Long New Town (NTW 20), known as the Parcville and the other was in Yuen Long New Town (YL-A1), known as Yoho Town 1. As the proposed amendment was technical in nature and there was no urgency for the rezoning, the proposed amendment could be gazetted together with other amendments to be made to the Yuen Long OZP. Consideration would be given to rezone this “CDA” site in the next round of OZP amendment;
- (i) two sites were proposed for rezoning as detailed in Appendix VI of the Paper. The development at the “CDA” site at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street (NTW 29), known as the Sherwood, had been completed and all the planning conditions had been discharged. Another “CDA” site was located to the east of Ping Ha Road and north of Castle Peak Road, Ping Shan (NTW 44). The development on the southern portion of the site, known as Green Orchid, was completed and all the approval conditions were complied with. Consideration would be given to rezone the portion of the “CDA” sites that had been developed to reflect the existing use and to review the zoning of the remaining portion;
- (j) two “CDA” sites had been identified with potential for rezoning as detailed in Appendix VII of the Paper. Phase 1 of the development at the “CDA” site to the northeast of Lingnan University Main Campus at Fu Tei, Tuen Mun (NTW 32A), known as Beneville, had been completed. It would be appropriate to rezone the completed portion of the “CDA” site to reflect the completed development. Another site was at Tung Wan and Tung Wan Tsai, Ma Wan Island (NTI 2). The building works of the Park Island had been substantially completed. The site had potential for rezoning to reflect the residential and commercial uses subject to completion of the development and full compliance with the approval conditions; and

- (k) to sum up, out of 63 “CDA” sites reviewed, 49 were proposed for retention and 7 had already been agreed for rezoning and 7 others were either proposed or with potential for rezoning.

4. A Member asked if the CDA review had identified any common problem in the implementation of development of “CDA” sites which could serve as a reference for future designation of new “CDA” sites. The Chairman said that every year, questionnaires were sent to developers for “CDA” sites designated for more than 3 years with approved MLP in order to have a better understanding on the implementation of the sites.

5. Another Member noted that the 8 sites proposed for retention under paragraph 4.1.1 (d) of the Paper were subject to various technical impacts. The Member asked if the technical problems could be resolved. The Chairman asked DPOs to explain the situation of each site.

6. By referring to Appendix I, Ms. Amy Cheung explained that the “CDA” site in Tuen Mun (NTW9 - Lok On Pai Ex-desalting Plan) was a piece of government land proposed for residential development in the “Planning and Engineering Review of Potential Housing Site in Tuen Mun East Area”. The site was zoned “CDA” zone to ensure that the future layout would take into account various planning considerations such as visual prominence of the site, environmental quality, land use compatibility, traffic and infrastructural provision etc. The “CDA” site at Tin Shui Wai (NTW36) was also a piece of government land and as the site was located in close proximity to the Hong Kong Wetland Park, the “CDA” zoning was to ensure that the design of the proposed development would be compatible with and have no adverse impacts on the Wetland Park. Planning Brief had been prepared to guide the future development. The “CDA” site at Yuen Long (NTW40 - Long Ha, Kam Tin) was close to the proposed Northern Link (NOL). As the alignment of NOL would be examined under the “Review and Update of the Second Railway Development Study” to be conducted in 2011, a land use review would be undertaken to ascertain the appropriateness of the “CDA” zone pending the findings on NOL under the study. Another “CDA” site at Yuen Long (NTW43 - Ping Shan) was located to the west of Ping Ha Road which was subject to severe traffic congestion. The “CDA” zoning was to ensure that the traffic problem could be addressed in the future comprehensive development.

7. Mr. Ivan Chung continued to explain the details of the “CDA” sites in Sai Kung area. SK6 (Sai Kung Town North) was within the Sai Kung Town and in view of the size and prominent location of the site, it was necessary to control scale, layout and design of the future development. Planning brief had been prepared to guide the development on the site. SK7 (Sai Kung Town North) was next to the site SK6. In view of the large size and prominent location of the site, it was necessary to control the development mix, scale, design and layout of development. Planning Brief had been prepared to guide the development. A planning application for a comprehensive residential development on the site was rejected by the Committee and a fresh planning application was under preparation by the developer to address the Committee’s concerns. TKO1 (Ying Yip Road) was located in Tseung Kwan O. The landowners had submitted application to relax the development parameters of the site but it was rejected by the Committee. The “CDA” zoning was to be retained to encourage comprehensive redevelopment of the existing film studio within the site and the adjoining government land, and to ensure that the traffic, visual and landscaping impacts of the development could be fully addressed. NTI 5 (Sok Kwu Wan, Lamma Island) was occupied by a cement plant. In view of the visually prominent location near the waterfront and the potential interface problems that might arise from the future uses of the adjacent quarry site, the “CDA” designation of the site was to be retained to ensure proper planning control of the development to blend in well with the surrounding environment.

8. A Member said that the situation of the 8 sites mentioned above had indicated that if the “CDA” sites were affected by major infrastructure projects, the implementation of the development would be greatly affected. The Member said that this factor should be taken into account when new “CDA” sites were designated in future.

9. The Chairman said that the subject annual review was only to give Members an overview on the results of the review of the “CDA” sites in the New Territories. The “CDA” sites that were proposed for rezoning would need to be submitted to the Committee for consideration in due course.

10. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated “Comprehensive Development Area” (“CDA”) on statutory plans in the New Territories;

- (b) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 as detailed at Appendices I and IV of the Paper;
- (c) agree in-principle to the proposed rezoning of the “CDA” sites in paragraph 4.2.4 as detailed at Appendix VI of the Paper;
- (d) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.3 and 4.2.3 as detailed at Appendices II and V of the Paper;
and
- (e) note the sites with potential for rezoning in paragraphs 4.1.4 and 4.2.5 as detailed at Appendices III and VII of the Paper.

[The Chairman thanked Mr. Wilson W.S. Chan, (DPO/TWK), Mr. Ivan M.K. Chung, (DPO/SKIs), Mr. W.K. Hui, (DPO/STN) and Mrs. Alice K.T. Mak, (STP/MUR), for their attendance to answer Members’ enquires. Mr. Chan, Mr. Chung, Mr. Hui and Mrs. Mak left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Kepler S.Y. Yuen, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

Agenda Item 4

[Open Meeting]

Proposed Amendments to the

Approved Tai Tong Outline Zoning Plan No. S/YL-TT/14

(RNTPC Paper No. 4/11)

11. The Secretary reported that the item involved proposed amendments to a site at Au Tau for public rental housing by Hong Kong Housing Authority (HKHA) and the following Members had declared interests on this item :

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| Mr. Jimmy Leung
as the Director of Planning | – being a member of the Strategic Planning Committee (SPC) of Hong Kong Housing Authority (HKHA); |
| Mr. Simon Yu
as the Assistant Director of the Lands Department | – being an alternate member for the Director of Lands who was a member of HKHA; |
| Mr. Andrew Tsang
as the Assistant Director of the Home Affairs Department | – being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA; |
| Professor Edwin H.W. Chan,
Dr. W.K. Lo |]- being members of the Building Committee
] of HKHA; |
| Mr. Y.K. Cheng | – spouse was a Chief Architect of Housing Department; and |
| Mr. Stephen Yip | – Being the former member of the Building Committee of the HKHA and the SPC of the HKHA. |

12. The Committee noted that Mr. Andrew Tsang had tendered apology for not being able to attend the meeting. As this item was for the consideration of proposed amendments to the approved Tai Tong OZP and related to the plan-making process, the Committee agreed that in accordance with the Town Planning Board's established practice, the Chairman and the other Members who had declared interests could stay at the meeting and participate in the discussion.

13. Mr. Kelper Yuen, STP/TMYL, drew Members' attention to a typo error in line 1

of paragraph 4.6 of the Paper that the word “feasibility” should read “flexibility”. With the aid of a Powerpoint presentation, Mr. Yuen presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) in July 2006, the Administration decided to develop the former Au Tau Departmental Quarters site (the site) at Yau Shin Street, to the immediate east of Yuen Long Town with an area of about 3.71 ha for public rental housing (PRH) development. The site which involved three parcels of land formerly occupied by the Au Tau Departmental Quarters and a sewage treatment works was currently zoned partly “Government, Institution or Community” (“G/IC”) (about 2.81 ha) and partly “Green Belt” (“GB”) (about 0.9 ha) on the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/14;
- (b) the proposed PRH development was to be guided by an administrative planning brief approved by the New Territories District Planning Conference on 23.2.2011 with the following major development parameters:

	Development Parameters
Gross Site Area	3.71 ha
Net Site Area	1.74 ha
Maximum Gross Floor Area (GFA)	52,100 m ² (including about 1,700 m ² non-domestic GFA for retail use, subject to detailed design)
Maximum Plot Ratio	3.0 (based on Net Site Area)
No. of Flats	1,240
Maximum Building Height	20 storeys with stepped building height profile
Design Population	3,500
Local Open Space	3,500 m ²

- (c) as illustrated in the conceptual layout plan prepared by Housing

Department (HD), the proposed PRH development comprised three residential blocks of 16 to 20 storeys and one commercial block of 3 storeys. While the development portion would mainly fall on the western part of the site, the existing formed and natural slopes on the eastern and southern parts of the site would be maintained by HD as a landscape area with a landscape platform, trails, sitting-out area and shelters. A footbridge would also be provided to connect this landscape area with the residential blocks. The northern-most land parcel, which was about 500 m² in area, was proposed for a children's play area under HD's conceptual layout plan. Heights of residential blocks were staggered to create a stepped building height profile so as to blend in with the surrounding natural landscape and hilly backdrop. Construction of the proposed PRH development was scheduled to commence in mid 2012 for completion in 2015/16;

- (d) technical assessments to ascertain the feasibility of the proposed development intensity regarding traffic, environmental, sewerage, air ventilation and visual aspects were conducted by HD. The assessments indicated that the proposed GFA and building height for the PRH development with suitable mitigation measures were technically feasible and would not create adverse impacts on the surrounding areas;

Proposed Amendments to the Approved Tai Tong OZP

Items A1 and A2 – Rezoning of the former Au Tau Departmental Quarters site from “G/IC” and “GB” to “Residential (Group A)” (“R(A)”)

- (e) to facilitate the proposed PRH development, the site would be rezoned from “G/IC” and “GB” to “R(A)” with appropriate development restrictions on maximum GFA and building height to guide its future development taking account of the conceptual layout. A maximum total GFA of 52,100 m² and maximum building height restrictions would be stipulated in the Notes and on the Plan respectively;

- (f) for clarity and better reflection of urban design intentions, building height restrictions should be expressed in terms of metres above Principal Datum (mPD). For low-rise developments which were not expected to generate adverse visual impact, expression in terms of number of storeys could provide more design flexibility. For the subject “R(A)” zone, to maintain the stepped building height profile, two different height bands of 75mPD and 85mPD were proposed for the residential blocks of 16 and 20 storeys respectively. A maximum building height of 3 storeys was also stipulated at the northern land parcel to provide flexibility to accommodate a low-rise structure, such as commercial centre or car park;

- (g) in order to define the limit of development area and to protect the existing formed and natural slopes at the eastern and southern parts of the site, two sub-areas (Areas (a) and (b)) were designated within the “R(A)” zone. The proposed public housing development would be confined within Area (a) while Area (b) should be designated as a landscape area and existing trees and landscape features within the area should be preserved as far as possible. No building development except the planned landscape platform and associated minor structures, including footbridge connection(s), would be allowed within Area (b);

[Dr. C.P. Lau arrived to join the meeting at this point.]

- (h) to allow for design feasibility, application for minor relaxation of the above GFA and building height restrictions could be considered on individual merits;

Proposed Amendments to the Notes and Explanatory Statement (ES)

- (i) the Notes of the approved Tai Tong OZP had been amended to cater for the proposed amendments to matters shown on the OZP. In addition, the Notes for “Open Storage” (“OS”) zones had been amended to take into account the latest revised Master Schedule of Notes to Statutory Plans endorsed by the Board;

- (j) the ES of the OZP had been revised to take into account the proposed amendments and the updated information for the various land use zones to reflect the latest status and planning circumstances of the OZP.

14. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/14 and that the draft Tai Tong OZP No. S/YL-TT/14A at Appendix II (to be renumbered to S/YL-TT/15 upon exhibition) and its Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the Tai Tong OZP; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Tai Tong OZP No. S/YL-TT/14A (to be renumbered to S/YL-TT/15 upon exhibition) and to be issued under the name of the Board.

[The Chairman thanked Ms. Amy Y.M. Cheung, DPO/TMYL, and Mr. Kepler S.Y. Yuen, STP/TMYL, for their attendance to answer Members' enquires. Ms. Cheung and Mr. Yuen left the meeting at this point.]

Sai Kung and Islands District

17. The Committee noted that the applicant's representative requested on 4.3.2011 for a deferment of the consideration of the application for two months in order to allow time to prepare further information including a revised traffic impact assessment and tree survey/preservation proposals to address outstanding departmental comments.

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

[Mr. C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/31 Proposed Four Houses
 (New Territories Exempted House - Small House)
 in "Green Belt" zone,
 Lots 32 S.A ss.4, 32 S.A ss.5, 32 S.B ss.3, 32 S.C RP, 32 S.A ss.7,
 32 S.A RP, 32 S.B ss.5, 32 S.B RP, 32 S.A ss.6, 32 S.A ss.8,
 32 S.B ss.4, 32 S.B ss.6, 32 S.A ss.2, 32 S.A ss.3, 32 S.B ss.2
 and 32 S.C ss.1 in D.D.256, Tai Mong Tsai, Tai Po Tsai Village,
 Sai Kung
 (RNTPC Paper No. A/SK-TMT/31)

Presentation and Question Sessions

19. Mr. C.F. Yum, STP/SKIs, informed the meeting of a replacement page of P.12 of

the Paper to delete the word “traffic” on the rejection reason (d) was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the proposed four houses (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application and advised that the application site and its vicinity were generally vegetated. The proposed Small Houses at both ends of the application site were in conflict with more than ten trees in fair condition. Though the affected trees were mainly common tree species, their removal would inevitably result in loss of greenery in the “Green Belt” (“GB”) zone. There was a general presumption against development within “GB” zone. The cumulative effect of approving such applications would result in encroachment of the “GB” by development and a general degradation of the natural environment in the area. The Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) objected to the application as the site was within the lower indirect water gathering grounds (LIWGG) and there was no DSD sewerage connection available in the vicinity at present. According to the District Lands Officer/Sai Kung (DLO/SK), the 10 year Small House demand forecast for Tai Po Tsai was 18 and the outstanding Small House application were 23. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application on the grounds that the proposed 4 Small Houses were entirely located in the “GB”. There was no demonstration that the proposed development in the middle of the “GB” zone would not impose adverse impact on existing landscape resources in the “GB” zone. Approval of the application would set an undesirable precedent and the cumulative effect of approving similar applications

would result in a general degradation of the environment and adverse landscape impacts on the area;

- (d) four public comments from The Hong Kong Bird Watching Society, World Wild Fund (WWF) Hong Kong, Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited were received during the first three weeks of the statutory publication period and their grounds of objections were highlighted below:
- (i) The current application was not in line with the planning intention of the “GB” zone, which was to protect natural vegetation and set as a buffer between urban developments and nearby Conservation Area/Country Park. Accepting the application would set a bad precedent for developments in the area;
 - (ii) the site was very close to the mature secondary forest. Approval of this application and the construction of these four Small Houses would degrade the existing natural environment and landscape;
 - (iii) there were still plenty of spaces in the “V” zone and Small House development should be restricted to the “V” zone rather than spreading into the “GB” zone;
 - (iv) the area lacked a plan for a sustainable layout of infrastructure and development. Approval of development would deteriorate the living environment in the area, impact the well-being of current and future residents, and create health and social problems and future costs to society; and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessments made in paragraph 13 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone on the OZP and the TPB Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning

Ordinance' in that there were no exceptional circumstances and strong planning grounds in the submission which justified a departure from the planning intention of "GB" zone. The site and its vicinity were generally vegetated and approving such application would result in a degradation of degrading the natural environment in the area and loss of greenery in the "GB" zone. Besides, the application did not comply with the Interim Criteria for Consideration of Applications for New Territories Exempted House/Small House Development in the New Territories. Though the site was within village 'environs' ('VE'), adequate land had been reserved in the "V" zone for Tai Po Tsai Village and there was no shortage of land to meet the Small House demand. Furthermore, the proposed Small Houses fell within WSD's LIWGG and DSD sewerage connection was not available in the vicinity. There was no information in the submission to demonstrate that the proposed Small House development within the LIWGG would not pose adverse impact on the water quality of the area. Approval of the application would set an undesirable precedent for similar applications within "GB" zone. The cumulative effect of approving such applications would lead to adverse impact on the value of the landscape, environment and infrastructure provision in the area.

20. Members had no question on the application.

Deliberation Session

21. The Chairman asked why there was a big difference in the figure of Small House demand as claimed by the applicant (para. 2(j) of the Paper) and that provided by DLO/SK. Mr. Simon Yu explained that according to LandsD's practice, DLO would ask the village representative (VR) to provide the Small House demand figure for his village and it was difficult for DLO to verify the figure provided by the VR as some villagers might have moved out of the village. Should there be a substantial increase in Small House demand within a short period of time, DLO would ask the VR to verify. The Chairman said that the actual area of land available for Small House development within the "V" zone might be affected by the presence of slope within the zone. However, he considered that the subject application should not be approved taking into account its adverse impact on the landscape

environment and water quality in the area.

22. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 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” (“GB”) zone on the Outline Zoning Plan, 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 in a “GB” zone. The proposed development was also not in line with Town Planning Board Guidelines No. 10. There were no exceptional circumstances and strong planning grounds for the proposed development in the submission which justified a departure from the planning intention of “GB” zone;
- (b) the proposed development did not comply with the “Interim Criteria For Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories” as sufficient land had been reserved within the “Village Type Development” zone for Tai Po Tsai Village and the proposed development would also have adverse landscape impact;
- (c) the proposed Small Houses fell within the Water Services Department’s lower indirect water gathering grounds (LIWGG). There was no Drainage Services Department sewerage connection available in the vicinity at present. There was no information in the submission to demonstrate that the proposed Small House development within the LIWGG would not pose adverse impact on the water quality of the area; and
- (d) approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would lead to adverse impact on the value of the landscape,

environment and infrastructure provision in the area.

[The Chairman thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. P. K. Ip, Mr. Otto K.C. Chan and Ms. Lisa L.S. Cheng, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-STK/2 Proposed House (New Territories Exempted House)
in "Agriculture" zone,
Lot 233 S.B.RP in D.D.41, Sha Tau Kok Road - Shek Chung Au,
Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/2)

Presentation and Question Sessions

23. Mr. P. K. Ip, 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);
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) objected to the application as the subject lot was outside the village 'environs' ('VE') of any recognised village and

outside the “Village Type Development” (“V”) zone which encircled a recognised village. He also advised that the subject lot was not covered by MOT/Building Licence, and his office had no record of the existing single-storey village house on site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site fell totally within “Agriculture” (“AGR”) zone and was classified as “good” agriculture land with high potential for agricultural rehabilitation. Some common trees in fair condition were noted within and in the close vicinity of the application site where felling and trimming of those trees seemed unavoidable. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. There was a single-storey village house and 6 mature trees inside the application site. There was insufficient information regarding the layout of the proposed NTEH and the landscape impact on the existing trees could not be ascertained. In addition, the landscape proposal for garden at the uncovered area had not been submitted;

- (d) one public comment supporting the application for building the proposed NTEH was received during the first three weeks of the statutory publication period. District Officer/North, Home Affairs Department (DO/N, HAD) advised that the concerned North District Council (NDC) member and the village representative of San Tsuen supported the application while the Chairman of Sha Tau Kok District Rural Committee (STKDRC) did not express any comment during the consultation period; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agriculture land for agricultural purpose and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application as the application site had high potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention.

Besides, there was no similar application for NTEH development within the same “AGR” zone and the approval of the application would set an undesirable precedent for similar applications in future, the cumulative impact of which would result in further loss of agricultural land in the area.

24. Members had no question on the application.

Deliberation Session

25. 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 was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Sha Tau Kok area which was primarily to retain and safeguard good quality 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; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone in future. The cumulative impact of approving such application would result in further loss of agricultural land in the area.

[The Chairman thanked Mr. P. K. Ip, STP/STN, for his attendance to answer Members’ enquiries. Mr. Ip left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-KTS/305 Renewal of Planning Approval for Temporary Godown with Ancillary Office under Application No. A/NE-KTS/261 for a Period of 3 Years in “Recreation” zone, Lots 1623 S.B, 1624 S.A to S.I, 1624RP, 1626, 1628, 1629 and 1631 to 1637 in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South, New Territories
(RNTPC Paper No. A/NE-KTS/305)

26. The Committee noted that the applicant’s representative requested on 25.2.2011 for a deferment of the consideration of the application for two months in order to allow time to prepare further submission of supplementary traffic impact assessment to address comments of Transport Department.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/739 Shop and Services (Showroom and Retail Shop)
 in “Industrial” zone,
 Workshop 6 (Portion A), Level 1, Wah Yiu Industrial Centre,
 Nos. 30-32 Au Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/739)

Presentation and Question Sessions

28. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (showroom and retail shop);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of 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 on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the paper. The showroom and retail shop under application was located on the street level (Level 1) of an existing industrial building with main entrance fronting Au Pui Wan Street. It was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Besides, the applied GFA of about 19 m² would not exceed the maximum

permissible limit of 460 m² and D of FS had no in-principle objection to the application subject to approval conditions on fire safety measures and provision of a means of escape completely separated from the industrial portion. Furthermore, the uses under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D 'Town Planning Board Guidelines for Use/Development within "Industrial" Zone' including the fire safety and traffic aspects. Relevant government departments consulted had no objection or no adverse comments on the application. 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. Since the last approval was revoked due to non-compliance with the approval condition(s), shorter compliance period was proposed to monitor the progress of compliance.

29. Noting that the previous planning approved application was revoked due to non-compliance of the condition on submission of fire safety measures, a Member asked whether the applicant would make the necessary submission this time. Mr. Otto Chan replied that the applicant claimed that he had forgotten to comply with the approval condition in the last planning approval and he would make effort to comply with the approval condition should the current application be approved.

Deliberation Session

30. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2011;
- (b) the implementation of the fire safety measures within 6 months from the

date of approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011; 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.

31. 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 applicants fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department 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 proposed 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; and
- (f) to note the comments of the Director of Fire Services that detailed fire

service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application. Besides, the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ should be referred.

[The Chairman thanked Mr. Otto K. C. Chan, STP/STN, for his attendance to answer Members’ enquiries. Mr. Chan left the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/346 Temporary Rental and Parking of Bicycles for a Period of 3 Years
in an Area shown as ‘Road’, Government land in D.D. 28,
Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/346)

Presentation and Question Sessions

32. 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 rental and parking of bicycles for a period of 3 years
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 10 of the paper. The subject site formed an extension area of one of the bicycle hiring stalls operated by the applicant. It fell within an area shown as “Road”. It was considered that approval of the application on a temporary basis would unlikely frustrate the long-term use of the site. While the area shown as ‘Road’ was a long term reserve for improvements to Ting Kok Road, relevant departments consulted had no objection to the application. The temporary use under application was considered compatible with the surrounding uses with cycling tracks and village houses in the vicinity. It would unlikely cause adverse impacts on the surrounding areas.

33. Members had no question on the application.

Deliberation Session

34. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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 (FSIs) and water supplies for firefighting proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;
- (b) in relation to planning condition (a) above, the provision of FSIs and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2011;
- (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.

35. 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 apply to the District Lands Officer/Tai Po, Lands Department for short term tenancy to permit the applied use;
- (c) to note comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be requested to carry out routine maintenance to ensure that the drainage facilities within the site were in good working condition. There was existing public sewerage available for connection in the vicinity of the site; and
- (d) to note comments of the Director of Fire Services that if no building plan would be circulated to the Fire Services Department (FSD) and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, the applicant was required to submit relevant layout plans incorporated with the proposed FSIs to FSD for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to an appropriate scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/347 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Government land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/347)

Presentation and Question Sessions

36. 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);

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

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the site was at the edge of existing woodland on the upper foothills of Pat Sin Leng and the surrounding area comprised gentle rolling hills and deep valleys covered with lush vegetation cover. The proposed development would have adverse impact on the quality of existing landscape character. While the proposed house was located on a slope, the applicant failed to demonstrate that the proposed site formation and slope works would not lead to adverse impact on the existing trees and vegetation on top of the slope. If the application was approved, it would

set an undesirable precedent to similar Small House application in the adjacent “AGR” zone and along the edge of the woodland on the subject slope resulting in urban sprawl and degradation of landscape quality in this otherwise pleasant landscape setting. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the proposed development would affect some existing slope features. The stability conditions of which were unknown. The applicant was required to make site formation submission covering the investigation of stability of any man-made and natural slopes within or near the proposed development to the Building Authority and/or DLO for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out as part of the development;

- (d) one public comment from the Hong Kong Bird Watching Society Limited against the application was received during the first three weeks of the statutory publication period. The reasons were that development on agricultural land should not be encouraged; approval of the application would set a bad precedent for developments in the area; the house and its access would increase disturbance and pollution to the nearby rural area; and the proposed development would cause removal of natural vegetation and irreversible impact on the nearby landscape; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed NTEH/Small House development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding area. Located at the edge of steep slope and dense woodland with no apparent access, the proposed development would likely involve site formation, slope stabilization and access construction works resulting in clearance of mature trees and dense vegetation that would damage the landscape quality of the area surrounding Pat Sin Leng Country Park.

CTP/UD&L, PlanD objected to the application from landscape planning point of view. The applicant failed to provide sufficient information in the submission to address the geotechnical and landscape concerns. The approval of the application would set an undesirable precedent for other similar applications in the area and the adjacent “AGR” zone. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area encroaching onto the woodland surrounding the country park area.

37. Members had no question on the application.

Deliberation Session

38. A Member asked if the application should be considered from the land use planning perspective, leaving the geotechnical concerns be monitored by the relevant government department at a later stage. The Chairman said that Members should consider whether the approval of the proposed development would likely create adverse geotechnical and landscape impact on the area which was close to Pat Sin Leng Country Park.

39. The Chairman remarked that the Committee had earlier requested PlanD to review the “V” zone for the area as there was insufficient land to meet the Small House demand. He asked about the current status of the review. Ms. Lisa Cheng replied that there had been discussions with village ‘environ’ of the village on the “V” zone boundary and the result of the review would be submitted to the Committee for consideration when it was ready.

40. A Member said that the application site was not suitable for Small House development and the substantial slope work involved would also be a heavy burden on the applicant. Noting that there were steep slopes in the surrounding area, the Member asked PlanD to take account of geotechnical concerns in the revision of the “V” zone.

41. 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 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 it would likely involve site formation, slope stabilisation and access construction works resulting in clearance of mature trees and dense vegetation that would damage the landscape quality of the area surrounding Pat Sin Leng Country Park. The applicant failed to demonstrate that the proposed development would not cause adverse geotechnical and landscape impacts on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area and the adjacent “Agriculture” zone. The cumulative impacts of approving such applications would result in further encroachment onto the woodland surrounding the country park area and a general degradation of the environment and landscape quality of the area.

Agenda Item 13

Section 16 Application

[Open Meeting]

A/TP/461 Columbarium
in “Government, Institution or Community” zone,
Poh Yea Ching Shea Lot 1006 R.P. in D.D. 5,
No. 2 Mui Shu Hang Village, Tai Po
(RNTPC Paper No. A/TP/461)

42. The Committee noted that the applicant’s representative requested on 7.3.2011 for a deferment of the consideration of the application until May 2011 since Transport Department would like to have more information to be incorporated in the traffic impact assessment report, including a report to be completed 3 to 4 weeks after conducting a survey on Ching Ming Festival.

43. After deliberation, the Committee decided to defer a decision on the application

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/478 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” and “Village Type Development” 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)

Presentation and Question Sessions

44. 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 Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application as it would likely result in more wooded slope being disturbed. The proposed Small House together with the building platform and the retaining wall were considered massive in bulk and visually intrusive when viewed at the front side of the development. The Head of Geotechnical Engineering Office, Civil Engineering & Development Department, (H(GEO), CEDD) advised that

as the site was located on natural hillside, the applicant was required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application and to assess the geotechnical feasibility of the proposed development. The applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance;

- (d) 16 public comments from individuals objecting to the application were received during the first three weeks of the statutory publication period. However, the applicant submitted further information on 24.1.2011 with standard letters from the commenters indicating withdrawal of the public comments; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development would involve extensive site formation works cutting into the adjoining slope and clearance of existing vegetation. H(GEO), CEDD advised that the applicant was required to submit a GPRR and assess the geotechnical feasibility of the proposed development and to submit a site formation plan to the Buildings Department. CTP/UD&L, PlanD objected to the application as the construction of the proposed small house and associated site formation works would likely result in more of the wooded slope being disturbed. From urban design and visual perspectives, he considered that the proposed Small House together with the building platform and the retaining wall were considered massive in bulk and visually intrusive. No justification had been provided for the proposed formation of a platform twice the size of the application site and elevated by up to 3.5m above the formation level. Besides, the application did not comply with the Town Planning Board Guidelines for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance' and the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories in that the proposed development was considered incompatible with the existing landscape character of the surrounding areas and the development

would involve extensive clearance of existing vegetation, causing adverse landscape and visual impacts on the surrounding environment. The approval of the application would set an undesirable precedent for similar developments within the “GB” zone, defeating the purpose of the “GB” and render an unfavourable environment for the preservation of the existing wooded area. Unlike the similar Application No. A/TP/444 which had more than 50% of the application site within “V” zone and that no tree felling and small scale slope works were involved, the current application could not warrant the same consideration as this similar application.

45. Members had no question on the application.

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 application did not comply with the TPB Guidelines for “Application for Development within “Green Belt” (“GB”) zone under section 16 of the Town Planning Ordinance” and the Interim Criteria for Assessing Planning Applications for New Territories Exempted House/Small House Development in the New Territories in that the extensive site formation works would involve extensive clearance of existing natural vegetation and cause adverse landscape impacts on the surrounding areas;
- (b) the information provided in the submission was insufficient to demonstrate that the proposed development and site formation works and elevated platform with a height of 3.5m would not have adverse slope safety, drainage and visual impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would result in a general degradation of the

environment in the area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/484 Proposed Six Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Lots 431 S.A ss.1, 431 S.A ss.2, 431 S.A ss.3, 431 S.A ss.4,
 431 S.A ss.5, 431 S.A ss.6, 829 S.K and 829 S.L in D.D. 5,
 San Wai Tsai Village, Tai Po
 (RNTPC Paper No. A/TP/484)

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 proposed six houses (New Territories Exempted Houses - Small Houses);

- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application since such type of development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, the application only involved construction of six Small Houses. He considered that this application could be tolerated unless it was rejected on other grounds;

- (d) no public comment was received during the first three weeks of 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 given in paragraph 12 of the Paper. 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 footprint fell entirely within the village 'environs' ('VE') of San Wai Tsai Village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of San Wai Tsai. Although the proposed Small House developments were not in line with the planning intention of the "Green Belt" ("GB") zone, they were generally compatible with the surrounding environment which was predominantly rural in character occupied by village houses. Besides, there were 10 similar applications for Small House development in the vicinity of the application site within the same "GB" zone approved by the Committee. The current application could warrant the same consideration of the approved similar applications for Small House development within the same "GB" zone.

48. Noting that the previous planning permission which had expired in December 2010 was submitted in 2006 while the conditions of exchange of part of application site were only executed in February 2011, a Member asked why it took such a long time to execute the conditions of exchange. Mr. Simon Yu said that he did not know the exact reason and it might be that the applicant was waiting for a buyer for the proposed Small House.

Deliberation Session

49. Mr Ambrose Cheong said that an advisory clause should be added to state that the access to the east of the site was not managed by Transport Department and the applicant should check the land status, and the management and maintenance responsibilities for the access with the relevant lands and maintenance authorities. The Committee agreed.

50. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and 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; and
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that as part of Lots 431 S.A ss.1 and 431 S.A ss.2 fell within a stream course, the applicant should take all precautionary measures to prevent disturbance, damage or intrusion from the development to this stream course. In the event of any damage/intrusion to the stream course, the applicant might be held responsible for costs of repair, compensation and other consequences arising therefrom; and that public stormwater drainage system and public sewerage system were available for connection in the vicinity of the subject lots. The applicant should follow the established procedures and requirements for connecting sewers and drains from the proposed development to the public stormwater drainage system and public sewerage system;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access lying to the east of the site was not maintained by his office;
- (c) to note that the access lying to the east of the site was not managed by the Commissioner for Transport. 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;

- (d) 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 Lands Department; and
- (e) 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 application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (ii) 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 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

Agenda Item 16

Section 12A Application

[Open Meeting]

Y/TM-LTY Y/3

Application for Amendment to the Approved

Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6

from “Residential (Group C)”, “Residential (Group D)” and

“Government, Institution or Community” to “Residential (Group C) 1”

with a maximum plot ratio of 0.4 and a maximum building height of

3 storeys (10.5m) excluding basement carpark, Lots 809 RP, 810, 811,

1132, 1133, 1134, 1135 S.A RP, 1135 S.B, 1141 RP, 1142 S.A RP,

1143 RP and 1147 RP in D.D. 130 and Adjacent Government Land,

Lam Tei, Tuen Mun

(RNTPC Paper No. Y/TM-LTY Y/3)

52. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd (the Henderson). Dr. C. P. Lau had declared interests in this item as they had current business dealings with the Henderson. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Dr. Lau was allowed to stay in the meeting.

53. The Committee noted that the applicant’s representative requested on 3.3.2011 for a deferment of the consideration of the application for two months in order to allow time to resolve comments from concerned government departments.

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

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/403 Proposed Conversion of All Industrial Floor Spaces to Shop
and Services Use in “Industrial” zone,
G/F (Part), 1/F (Part), 9/F to 12/F and 15/F to 16/F Parklane Centre,
25 Kin Wing Street, Tuen Mun
(RNTPC Paper No. A/TM/403)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed conversion of all industrial floor spaces to shop and services use;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) two public comments, one stating no comment on the application and one stating support to the application, were received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments given in paragraph 11 of the Paper. The proposed shop and services use in the subject building was not incompatible with the neighbouring industrial buildings with commercial elements on ground floor located to its east, south and west. The site was about 400m from the Tuen Mun West Rail Station and was well served by public transport. Conversion of the subject building for shop and services uses would provide convenience to the workers of the industrial area in Tuen Mun. Previous approvals for portions of the ground floor of the subject building for various shop and services uses had been granted by the Board since 1992, reflecting persistent demand for shop and services uses at this location. The proposed shop and services development in general met the Town Planning Board Guidelines on Use/Development within “Industrial” Zone (TPB PG-No. 25D) in that the location of the proposed use would not adversely affect the traffic conditions on the local road network. Besides, the current application only involved conversion of industrial floor space for shop and services without additional GFA, expansion of building bulk and height. The approval of the application would be for the lifetime of the building. Redevelopment of the subject building should conform with the OZP requirements, including submission of a fresh application to the Board for any use which required planning permission.

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 application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, 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 fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the

TPB; and

- (b) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) to note the comments of District Lands Officer/Tuen Mun that after securing the Board approval, the applicant should apply for lease modification or temporary waiver for the proposed uses. The proposal would only be considered upon the receipt of formal application from the applicant. He also advised that there was no guarantee that the application, if received by him, would be approved and he reserved comment on such. The application would be considered by him acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee. He should also pay attention to Lands Department's Practice Note No. 1/2010 if applying for the Special Waiver for Conversion of an Entire Existing Industrial Building;
- (b) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the applicant was required to upgrade the building to current safety and health standard including compliance with Means of Escape, Means of Access and Fire Resisting Construction Codes and Design Manual for Barrier Free Access. The applicant's attention should also be drawn to the provision of emergency vehicular access (EVA) under Building (Planning) Regulations 41D. Formal submission by an authorized person for the proposed conversion was required under the Buildings Ordinance and detailed comments would be given upon formal building plans submission stage; and
- (c) to note the comments of Director of Fire Services on water supply for fire

fighting and fire service installations to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and the EVA provision should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/411 Shop and Services (Estate Agency Shop)
in “Industrial” zone,
Portion of Unit C, (Being C2), G/F Wai Cheung Industrial Centre,
No. 5 Shek Pai Tau Road, Tuen Mun
(RNTPC Paper No. A/TM/411)

Presentation and Question Sessions

59. Mr. C.C. Lau, STP/TMYL, informed the meeting that replacement pages of Plans A-4a to A-4c of the Paper to rectify the title of plans had been distributed to Members for reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (estate agency shop);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of 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 on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the paper. The applied estate agency shop had a total area of 6m² and was located in an existing industrial building in an industrial area. The application generally complied with the TPB PG-No. 25D “The Town Planning Board Guideline on “Use/Development within “Industrial” Zone” in that the applied use was small in scale and was considered not incompatible with the surrounding shop and services use. Significant adverse impact on the local road network was not expected and Commissioner for Transport had no objection to the application. Besides, no adverse impact on the environment and infrastructure of the area were anticipated and government departments consulted had no adverse comment on the application. Furthermore, the aggregated commercial floor area at the G/F of the subject building of 324.46m², including 6m² of the premises would not exceed the maximum permissible limit of 460m² and Director of Fire Services had no in-principle objection to the application. Although the applicant had applied for a permanent use, in order not to jeopardize the planning intention of industrial use for the subject premises, approval on a temporary basis of 3 years would be more appropriate.

60. Members had no question on the application.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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 in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;

- (b) the implementation of fire service installations proposal in the application premises within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2011; 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.

62. 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 supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to note the comments of District Lands Officer/Tuen Mun that the applicant should apply for lease modification or temporary waiver for the proposed uses. The lease modification or temporary waiver, if approved, would be subject to such terms and conditions including the payment of administrative fee, premium and waiver fee;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the application premises should be separated from the adjoining units with walls of fire resisting period not less than 2 hours. Barrier Free Access provisions should be complied with Building (Planning) Regulations 72;
- (e) to note the comments of Director of Fire Services that the means of escape of the premises should be completely separated from the industrial portion;

and fire service installations being provided to his satisfaction. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and

- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement. Any run-in/out to/from the site approved by the Transport Department should be designed to the Transport Planning and Design Manual requirements and constructed up to HyD's standards and satisfaction.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/412 Proposed Shop and Services (Convenience Store)
in "Industrial" zone,
Workshop No. 2A, G/F, Parklane Centre, 25 Kin Wing Street,
Tuen Mun
(RNTPC Paper No. A/TM/412)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services (convenience store);

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

- (c) departmental comments – no objection from concerned government

departments was received;

- (d) no public comment was received during the first three weeks of 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 on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the paper. The applied convenience store had a total area of about 124m² and was located in an existing industrial building with direct frontage to public roads in an industrial area. The application was in line with the Town Planning Board Guidelines TPB-PG No.25D “The Town Planning Board Guidelines on Use/Development within “Industrial” Zone” in that the applied use was small in scale and would not have significant adverse impact on the local road network and Commissioner for Transport had no objection to the application. Besides, no adverse impact on the environment and infrastructure of the area were anticipated. The applied use was considered not incompatible with the adjoining units on the ground floor of the same building. The subject building was protected by a sprinkler system and therefore the G/F maximum aggregated commercial floor area permitted limit of 460m² applies. The aggregated commercial floor area at the G/F of the subject building of 156m², including 124m² of the subject application premises would not exceed the maximum permissible limit of 460m² and Director of Fire Services had no in-principle objection to the application. Separate means of escape was available for the subject premises as it fronted directly onto Kin Wing Street and Kin On Street. Although the applicant had applied for a permanent use, in order not to jeopardize the planning intention of industrial use for the premises, approval on a temporary basis of 3 years would be more appropriate.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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 in the application premises within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2011;
- (b) the implementation of fire service installations proposal in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011; 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.

66. 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) should the planning permission be revoked due to non-compliance with the approval conditions again, sympathetic consideration would not be given by the Committee to any further application for the same use;
- (c) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition 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 premises would not be jeopardized;
- (d) to note the comments of District Lands Officer/Tuen Mun that the applicant

had applied for a temporary waiver to permit the subject premises for temporary shop and services (convenience shop only) purposes, and the area for the premises under the waiver application was 86.5m². There was no guarantee that the application, if received by him, would be approved and he reserved his comments on such. The application would be considered by him acting in the capacity as the landlord at its sole discretion. In the event that the application was approved, it would be subject to such terms and conditions as the government should deem fit to do so, including, among others, charging of premium, waiver fee and administrative fee;

- (e) to note the comments of Director of Fire Services that the means of escape of the premises should be completely separated from the industrial portion. The applicant's attention would be drawn to the Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises; and
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the application area should be separated from the adjoining units and the corridor with walls of fire resisting period not less than 2 hours and the door to the corridor, if any, of a fire resisting period of not less than 1 hour and Barrier Free Access provisions should be complied with in accordance with Building (Planning) Regulations 72.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/177

Proposed School (Tutorial School)

in “Other Specified Uses” annotated “Public Car Park with
Ground Floor Retail Shops” zone,

Shops 31A and 41, G/F, Golden Plaza, 28 Shui Che Kwun Street,

Yuen Long

(RNTPC Paper No. A/YL/177)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed school (tutorial school);
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of 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 given in paragraph 11 of the Paper. The application was considered in line with Town Planning Board Guidelines for application for tutorial school (TPB PG- No.40) in that the proposed tutorial school was situated at the ground floor of a non-domestic building. The use under application was considered not incompatible with the existing uses of the surrounding premises. Besides, the proposed

tutorial school was small in scale with only two classrooms and a total area of 101m² accommodating 2 teachers and 13 students. It was unlikely that it would cause any significant adverse impacts on the surroundings and government department consulted had no objection to the proposed tutorial school.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.3.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that :

- the provision of fire service installations and water supplies for firefighting for the tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (c) to note the comments of Director of Fire Services that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans or referral from the licensing authority; and
- (d) to note the detailed comments of Chief Building Surveyor/New Territories West, Buildings Department at Appendix II of the Paper.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/340 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Lorries and Coaches under Application No. A/YL-PS/317 for a Period of 3 Year in “Village Type Development” zone, Lots 429, 431(part), 436(part), 437, 438SA, 446(part), 447(part) and 449RP(part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/340)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) renewal of planning approval for temporary public vehicle park for private cars, lorries and coaches under Application No. A/YL-PS/317. However, as the previous application was revoked on 8.3.2011 (after submission of the current application) due to non-compliance with the condition prohibiting the parking of medium and heavy goods vehicles on-site, the current application was considered as a fresh application instead of a renewal application as sought by the applicant;

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

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. According to his record, the site was the subject of an environmental

complaint of suspected water pollution in 2008. However, the case was not substantiated after investigation;

- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of one year based on the assessments given in paragraph 11 of the paper. While the application was within “Village Type Development” (“V”) zone, according to District Lands Officer/Yuen Long, there was currently no Small House application within the site. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Besides, the parking of private cars and light goods vehicles was not incompatible with the surrounding low-rise village settlements and would help meet the parking demand of local villagers and the demand for coach parking from local tours attracted by the adjacent heritage trail and gallery cum visitors centre. Regarding DEP's concerns, in order to minimise the possible environmental impacts, approval conditions prohibiting the parking of goods vehicles exceeding 5.5 tonnes and restricting operation hours were recommended. Although the previous planning permission (Application No A/YL-PS/317) was revoked due to breaching of the planning condition which prohibited the parking of medium and heavy goods vehicles, the number of heavy vehicles on-site had been significantly reduced since such vehicles were first found on site and the applicant had committed in the current submission that he would continue his utmost effort to prevent parking of heavy vehicles on the site in future. Furthermore, no environmental complaint had been received regarding the vehicle park. Since the last approval, there was no material change in the planning circumstances and thus a shorter approval period of one year was recommended to further monitor the operation of the vehicle park.

72. A Member asked how PlanD had discovered that the applicant had breached the

planning condition which prohibited the parking of heavy goods vehicles. Ms. S. H. Lam replied that her office would carry out patrol regularly and goods vehicles exceeding 5.5 tonnes were found parking at the site in one occasion. A warning letter had subsequently been issued to the applicant. Since the parking of heavy vehicles were found on site again, the planning permission was revoked. Another Member asked whether the applicant could be requested to post a notice at a prominent location within the site to prohibit the parking of goods vehicles exceeding 5.5 tonnes. Noting that there were heavy vehicles parking in the site as shown in the site photos and that the demand for heavy goods vehicles parking area might be great in the area, a Member asked under what circumstances the parking of heavy goods vehicles would be allowed. Ms. S. H. Lam responded that the suitability of an area for the parking of heavy goods vehicles would depend on whether there were residential dwellings in the vicinity and the number of residents affected. In the subject application, there were two villages to the north and east of the application site and hence parking of heavy goods vehicles was not recommended.

Deliberation Session

73. A Member agreed to another Member's suggestion asking the applicant to post a notice at a prominent location of the site to indicate that the parking of medium and heavy goods vehicles exceeding 5.5 tonnes within the site was prohibited. The Secretary said that a planning condition could be imposed to that effect if Members considered it necessary.

74. After further deliberation, the Committee agreed to impose an approval condition requiring the posting of a notice to indicate that medium and heavy goods vehicles exceeding 5.5 tonnes was prohibited to enter the site and the same condition should be included in all other similar applications.

75. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 18.3.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (e) the parking layout arrangement, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-PS/317 on the site should be maintained during the planning approval period;
- (g) the submission of the condition record of the existing drainage facilities within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.6.2011;
- (h) the implementation of compensatory planting in the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2011;
- (i) the provision of peripheral fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 18.6.2011;

- (j) the submission of fire service installations proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.6.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;
- (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;
- (m) if any of the above planning condition (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

76. 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 shorter approval period was grant so as to monitor the situation on site;
- (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 TPB to any further application;
- (d) to resolve any land issues relating to the development with other owner(s)

of the application site;

- (e) to note the comments of District Lands Officer/Yuen Long that the site was accessible through an informal village track on Government land extended from Ping Ha Road. His office provided no maintenance works for the track nor guarantee right-of-way. The lot owners would need to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;
- (f) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (g) to note the comments of 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;
- (h) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the unauthorised structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other

enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as guardroom or plant room were considered as temporary structures and were subject to control under Building B(P)R Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3) at building plan submission stage; and

- (j) to note the comments of Director of Fire Services on the requirements on formulating fire service installations proposal in Appendix IV of the Paper.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-PS/341 Temporary Open Storage of Construction Materials
for a Period of 1 Year
in “Residential (Group C)”, “Residential (Group B) 2” and
“Government, Institution or Community” zones,
Lots 3102 (Part), 3109 (Part) and 3110 (Part) in D.D. 124,
Yick Yuen Tsuen, Yuen Long
(RNTPC Paper No. A/YL-PS/341)

77. The Committee noted that the applicant’s representative requested on 2.3.2011 for a deferment of the consideration of the application for two months in order to allow time to provide supporting document.

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

further deferment would be granted unless under very special circumstances.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/344 Renewal of Planning Approval for Temporary Container Vehicle and Lorry Park under Application No. A/YL-PS/206 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 120(part), 121, 122, 246RP(part), 247, 248S.A, 248S.B, 248RP(part), 249RP, 250RP and 254RP in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/344)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary container vehicle and lorry park under Application No. A/YL-PS/206;

[Dr. W.K. Lo left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and access road and environmental nuisance was expected. According to his record, the site was the subject of an environmental complaint of air pollution in 2009, involving open burning in car parks. Investigation was carried out and confirmed that the case was not

substantiated. No actions were thus taken;

- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). Although the zoning of the site had been changed from “Undetermined” to “Comprehensive Development Area” (“CDA”), there was currently no known development proposed for the “CDA” zone. The temporary use for a further three years would not frustrate the implementation of the planned use in the long term. Besides, all the planning conditions under the previous approval including landscape and tree preservation, paving and peripheral fencing, drainage assessment and flood mitigation measures, and fire extinguisher were complied with and there was no public objection received. Regarding DEP's concern to mitigate adverse noise impact, the applicant, under the previous approval, had already erected a fence wall and no public complaint on noise nuisance had been received during the approval period. The air pollution complaint received by DEP in 2009 was confirmed to be not substantiated. Furthermore, planning conditions to restrict operation hours and workshop activities were recommended.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years from 29.3.2011 until 28.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (d) no inflammable goods, fuel, or vehicle for conveying dangerous goods which was subject to the provisions of the Dangerous Goods Ordinance was allowed to be stored/parked on the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-PS/206 on the site should be maintained during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.9.2011;
- (g) the implementation of reinstatement planting at the site 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 28.9.2011;
- (h) the existing fire service installations and equipment should be maintained

during the planning approval period;

- (i) the submission of valid certificates for the fire service installations and equipment on-site 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 28.9.2011;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning condition (f), (g) 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.

82. 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 application site;
- (b) to note the comments of District Lands Officer/Yuen Long that portion of the site fell within the West Rail Protection Boundary. The site was accessible through an informal village track on Government land and other private lots extended from Ha Mei San Tsuen Road. His office provided no maintenance works for this track nor guarantees right of way. Part of the village track fell within West Rail Maintenance Area/West Rail Protection Boundary. The lot owners would still need to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such applications would be considered by Lands Department

acting in the capacity as landlord at its sole discretion. If such application were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by Lands Department;

- (c) to adopt the comments of environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of 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;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road;
- (f) to note the comments of Chief Engineer/Railway Development Office, HyD that all works within the railway protection boundary should comply with PNAP APP-24 and all lifting work (including the use of mobile crane) within the railway protection boundary should be submitted for review and comment prior to the commencement of work; and
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that unauthorised structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission

of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as office was considered as temporary structures and was subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3) at building plan submission stage. Attention should be drawn to the requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/345 Proposed Temporary Container Vehicle and Lorry Park with Container Trailers for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 105RP(part), 108(part), 109(part), 111(part), 112-116, 118, 119(part), 120(part), 124(part), 127, 128 and 158 (part) in D.D. 122 and adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/345)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary container vehicle and lorry park with container trailers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of

the site and access road and environmental nuisance was expected. However, no environmental complaint regarding the site was received in the past 3 years;

- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. Although the site was within an area zoned “Comprehensive Development Area” (“CDA”), there was no known development proposal for the “CDA” zone. As such, the temporary use would not frustrate the implementation of the planned use in the long term. The site fell with Category 2 zones under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The proposed development was in line with TPB PG-No. 13E as there were generally no adverse departmental comments and local objections and DEP's concerns could be addressed through the imposition of approval conditions. To mitigate the adverse noise impact, the applicant had proposed a mitigation measures including substantial boundary set back, periphery fencing, double row landscaping, locating parking space away from boundary, and no workshop use. Furthermore, no environmental complaint had been received in the past 3 years and planning conditions to restrict operation hours and workshop activities were recommended.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on site at any time during the planning approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, repairing or other workshop activity was allowed on the site at any time during the planning approval period;
- (d) no inflammable goods, fuel, or vehicle for conveying dangerous goods which was subject to the provisions of the Dangerous Goods Ordinance was allowed to be stored/parked on the site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-PS/207 on the site should be maintained during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2011;
- (g) the implementation of compensatory planting in the site 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 18.9.2011;
- (h) the provision of periphery fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 18.9.2011;

- (j) in relation to (i) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long that the site was accessible through an informal village track on Government land and other private lots extended from Ha Mei San Tsuen Road. His office provided no maintenance works for this track nor guarantees right of way. The lot owners and occupier of the Government land concerned need to apply to his office to regularise any irregularities on-site. Such applications would be considered by Lands Department acting in the capacity as landlord at its sole discretion. If such application were approved, it would be subject to such terms and conditions, including among others the payment of

premium or fee, as might be imposed by Lands Department;

- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of 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;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road;
- (f) to note the comments of Chief Engineer/Railway Development Office, HyD that all works within the railway protection boundary should comply with PNAP APP-24 and all lifting work (including the use of mobile crane) within the railway protection boundary should be submitted for review and comment prior to the commencement of work;
- (g) to note the comments of Director of Fire Services on the requirements on formulating fire service installations proposal in Appendix V of the Paper; and
- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the unauthorised structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other

enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. The use of containers as office was considered as temporary structures and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Attention should be drawn to the requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/397 Renewal of Planning Approval for Temporary Public Vehicle Park
(Excluding Container Vehicle) under Application No. A/YL-ST/356
for a Period of 3 Years in "Village Type Development" zone,
Lots 3060, 3061 and 3067 in D.D.102, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/397)

Presentation and Question Sessions

87. 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) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/356;

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

- (c) departmental comments – no objection from concerned government departments was received;
- (d) one public comment submitted by Designing Hong Kong Limited objecting the application was received during the first three weeks of the statutory publication period. The commenter stated that the proposed development would cause adverse environmental, landscape, traffic and drainage impacts on the surrounding areas. Adequate parking facilities and similar land uses were already in existence in the area. An over provision of parking space reduced cost of car use and promoted car ownership. The commenter suggested that should the application be approved, a plan for quality landscaping and well-designed interface with the public domain should be included to mitigate the blight; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The renewal was in line with Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there had been no major change in planning circumstance since the last approval; government departments concerned had no adverse comment and there had been no environmental complaint in the past three years; and all the approval conditions under the previous approval had been complied with. There was no Small House application at the site and approving the application for 3 years would not jeopardize the long term planning intention for the “Village Type Development” zone. Besides, the public vehicle park on-site was considered not incompatible with the surrounding land uses, comprising mainly vehicle parks and vehicle repair workshop. The nearest fish pond was about 410 m to the west of the site and separated by developed areas of Wing Ping Tsuen and On Lung Tsuen. Significant negative off-site disturbance impact on the ecological value of fish ponds was not envisaged. The application was in line with the Town Planning

Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E) as the applied use could satisfy some of the parking demand for cross-boundary travellers. Regarding the public comments, government departments concerned had no adverse comment or objection to the application. Relevant approval conditions including prohibition of medium or heavy vehicles, car washing, repairing or workshop activities, maintenance of paving and fencing on the site, compensatory planting, and provision of drainage facilities were suggested.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.3.2011 to 28.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the implementation of the compensatory planting 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 28.9.2011;
- (g) the submission of a drainage proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.9.2011;
- (h) in relation to (g) above, the provision of drainage facilities proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.12.2011;
- (i) the submission of fire service installations proposals 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 28.9.2011;
- (j) in relation to (i) above, the provision of fire service installations proposed 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 28.12.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department that the land within the application site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government; the site was accessible to Tung Wing On Road via an informal local track on other private land and government land (GL). His Office provided no maintenance work for this GL and did not guarantee right-of-way; and the information provided in the s.16 application indicated that no structure was proposed within the site. The applicant was required to apply to his Office for his approval to allow the erection of any structure. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion. If such approval was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by Lands Department;
- (c) to note the detailed comments of Drainage Services Department as indicated in Appendix V in the Paper;
- (d) to follow the latest “Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (e) to note the comments of Commissioner for Transport that the site was connected to Tung Wing On Road via a local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of Chief Highway Engineer/New Territories West, Highways Department, (HyD) that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – San Tin;
- (g) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure and container converted offices for approval under the Buildings Ordinance (BO) was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. B(P)R 41D regarding the provision of emergency vehicular access was also applicable; and his no-objection should not be construed as condoning of any existing unauthorized building works which were liable to enforcement action under BO Section 24;
- (h) to note the comments of Director of Fire Services that fire service installations (FSI) were required in consideration of the design/nature of the proposed structure. The applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating FSI proposal, the applicant was advised to make reference to

the requirements : for other open storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures : portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his Department for consideration; and

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

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/398 Renewal of Planning Approval for Temporary Public Vehicle Park (Excluding Container Vehicle) under Application No. A/YL-ST/349 for a Period of 3 Years in “Village Type Development” zone, Lot 674RP(Part) in D.D. 99, Lots 3064, 3065, 3066 S.A, 3066 S.B, 3066 S.C, 3066 S.D 3066 S.E, 3066 S.F, 3066 S.G, 3066 RP, 3069 S.A, 3069 S.B, 3069 S.C, 3069 S.D, 3069 S.E, 3069 S.F, 3069 S.G, 3069 RP, 3070 S.A, 3070 S.B, 3070 S.C, 3070 S.D, 3070 RP, 3079 S.A, 3079 S.B, 3079 S.C, 3079 S.D and 3079 RP in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/398)

Presentation and Question Sessions

91. 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) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/349;

[Ms. Anna S.Y. Kwong and Dr. W.K. Yau left the meeting temporarily at this point.]

- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of two years based on the assessments given in paragraph 11 of the paper. The renewal was in line with Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34B) in that there had been no major change in planning circumstances since the last approval; government departments concerned had no adverse comment and all the approval conditions under the previous approval had been complied with. However, District Lands Officer/Yuen Long of LandsD advised that nine Small House applications at the southwestern part of the site had been received in 2008/2009 and were at an early processing stage. In order not to jeopardize the development of the proposed Small Houses, a shorter approval period of two years (instead of the three years sought) was considered more appropriate to monitor the situation. The public vehicle park on-site excluding heavy vehicles was considered not incompatible with the surrounding land uses. The nearest fish pond was about 356 m to the west of the site separated in between by the developed areas of Wing Ping Tsuen and On Lung Tsuen. Significant negative off-site disturbance impact on the ecological value of fish ponds was not envisaged. The application was in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E), in that the applied use could satisfy some of the parking demand for cross-boundary travellers. Adverse environmental, traffic and infrastructural impacts on the surrounding areas were not anticipated. As there were village houses located in close proximity to the site, approval conditions restricting the types of vehicles and activities on-site and requiring maintenance of paving and boundary fencing were recommended to mitigate potential environmental nuisance to nearby residents.

[Dr. W.K. Lo returned to join the meeting at this point.]

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, from 29.3.2011 to 28.3.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of an as-built drainage plan and photographic records of the

existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.9.2011;

- (h) the implementation of the compensatory planting 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 28.9.2011;
- (i) the submission of fire service installations proposals 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 28.9.2011;
- (j) in relation to (i) above, the provision of fire service installations proposed 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 28.12.2011;
- (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.

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

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;

- (b) a shorter approval period of two years was granted in order to monitor the situation of the Small House applications on the site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the land within the application site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval had been given to the specified structures as covered parking area and watchman shed; the information indicated that government land (GL) of about 780m² had been included in the site for which no permission had been given for its occupation. Enforcement action would be taken by his office against unauthorized occupation of GL; the site was accessible to Tung Wing On Road via a short stretch of GL. His office provided no maintenance works for this GL nor guarantee right-of-way; and should planning approval be given to the subject planning application, the lot owner would still need to apply to his office to permit any structure to be erected or regularize any irregularities on-site. The occupier was also required to apply to his office for occupation of the GL involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by Lands Department;
- (d) to note the detailed comments of Drainage Services Department as indicated in Appendix V of the Paper;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the comments of Chief Building Surveyor/New Territories West,

Buildings Department that formal submission of any proposed new works, including any temporary structure and container converted offices for approval under the Buildings Ordinance (BO) was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. B(P)R 41D regarding the provision of emergency vehicular access was also applicable; and his no-objection should not be construed as condoning of any existing unauthorized building works which were liable to enforcement action under BO Section 24;

- (g) to note the comments of Director of Fire Services that fire service installations (FSI) were required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. In formulating FSI proposal, the applicant was advised to make reference to the requirements : for other open storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures : portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his Department for consideration; and

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

measures as prescribed at Appendix VI of the Paper.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members' enquiries. Mr. Kan left the meeting at this point.]

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/715 Temporary Open Storage of Containers for a Period of 3 Years
in "Undetermined" zone,
Lots 1805 (Part), 1806 S.B (Part) and 1830 (Part) in D.D. 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/715)

Presentation and Question Sessions

95. Mr. Ernest C.M. Fung, 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 for a period of 3 years;

[Mr. Timothy K.W. Ma and Dr. C.P. Lau left the meeting temporarily at this point.]

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. She advised that the site was involved in four previous applications, the last of which (Application No. A/YL-HT/427) was revoked due to non-compliance with approval conditions not related to landscaping conditions. There were eight existing mature trees of common species and wild grasses found in the centre of the site. The surrounding areas were dominated by open storage yards and workshops, and the applied use was not incompatible with the surrounding environment.

However, the proposed container storage areas would be in conflict with the existing trees. In addition, no tree preservation proposal with tree protection measures had been submitted. She considered that there should be scope to avoid affecting the existing trees;

- (d) one public comment from a Yuen Long District Council (YLDC) Member objecting to the application was received during the first three weeks of the statutory publication period. The commenter considered that the application should be rejected in view of the repeated revocations of previous planning permissions, reflecting the applicant's insincerity in complying with the Board's approval conditions; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 13 of the paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E in that no adverse comment from concerned government departments was received. Besides, to mitigate any potential environmental impacts, approval conditions on restrictions of operation hours had been recommended. Though the Committee had approved 4 previous applications for similar temporary open storage uses which were all revoked due to non-compliance with approval conditions, it was noted that they were submitted by different applicants. It was further noted that the last three previous applications (No. A/YL-HT/341, 394 and 427) were for a different open storage use on the adjoining vacant site with only a small portion encroaching upon the subject site. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications. As the site was in close proximity to these similar applications, approval of the subject application would be in line with the Committee's previous decisions.

96. Noting that there was a public comment stating that the repeated revocations of

previous planning permissions had reflected the applicant's insincerity in complying with the approval condition, a Member asked whether applications were submitted by the same applicant and for the same site. Mr. Ernest Fung replied that as compared with the last approved application No. A/YL-HT/427, the current application was submitted by a different applicant and for a smaller site with part of it overlapped with the previous application site as shown on Plan A-1b.

Deliberation Session

97. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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 and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (d) the submission of a revised layout plan within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;
- (e) in relation to (d) above, the implementation of the revised layout plan within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2011;
- (f) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;

- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2011;
- (h) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2011;
- (i) in relation to (h) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.12.2011;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.12.2011;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (d), (e), (f), (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.

98. 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 application site;

- (b) to note the comments of the District Lands Officer/Yuen Long that the land under the site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; the applicant was required to apply to him for approval to allow the erection of any structure. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way of the site's access via other private land to Ping Ha Road;
- (c) 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;
- (d) 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; and
- (e) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for the temporary open storage of containers. 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 FSI, the applicant was required to provide justifications

to him for consideration.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/717 Renewal of Planning Approval for Temporary Open Storage of Containers under Application No. A/YL-HT/532 for a Period of 3 Years in “Undetermined” zone, Lots No. 1807 (Part), 1808 RP (Part), 1815 (Part), 1816, 1817, 1818 (Part), 1819, 1820, 1821 (Part), 1822 (Part), 1823, 1825, 1826, 1827 S.A, 1828 (Part) and 1829 in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/717)

Presentation and Question Sessions

99. Mr. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of containers under Application No. A/YL-HT/532;

[Mr. Walter K.L. Chan returned to join the meeting at this point.]

- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) and the application was in line with the TPB PG-No. 13E in that there was no adverse comment from other concerned government departments. The applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone which were predominantly open storage yards. There was no known development for the site. The applied use was also of a similar nature to other adjoining temporary open storage uses within the same “U” zone, and would not frustrate any long-term permanent development within the zone. Besides, the Committee had approved 5 previous applications for the same temporary open container storage use. The subject application was for the renewal of the last application No. A/YL-HT/532, the approval conditions of which had all been complied with. Since granting these previous approvals, there had been no material change in the planning circumstances. The application was therefore in line with Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B). To mitigate any potential environmental impacts, approval conditions on restrictions of operation hours, workshop activities and stacking height of containers had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications for various temporary open storage and port back-up uses within the same “U” zone. The approval of the subject application was in line with the Committee’s previous decisions

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years, from 19.3.2011 to 18.3.2014, 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 dusty operation, paint-spraying, cutting, dismantling, cleansing, repairing, hammering, maintenance or workshop activity repairing, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of the containers stored within 5m of the periphery of the site, as proposed by the applicant, should not exceed the height of the boundary fence;
- (e) the stacking height of containers stored at any other location within the site, as proposed by the applicant, should not exceed 8 units during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/532 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2011;
- (h) the submission of a landscape and 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 18.9.2011;

- (i) in relation to (h) above, the implementation of the landscape and 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 18.12.2011;
- (j) the submission of fire service installations proposals 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 18.9.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposals 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 18.12.2011;
- (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.

102. 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 application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the land under the site comprised Old Schedule agricultural lots held under the

Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; the applicant was required to apply to him for approval to allow the erection of any structure. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way of the site's access via other private land to Ping Ha Road;

- (c) 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;
- (d) 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; and
- (e) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for the temporary open storage of containers. 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 FSI, the applicant was required to provide justifications to him for consideration.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/YL-HT/719 Temporary Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 1119 (Part), 1120 (Part) and 1121 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/719)

[Mr. C.W. Tse left the meeting temporarily at this point.]

103. The Committee noted that the applicant requested on 11.3.2011 for a deferment of the consideration of the application for two months in order to allow time to prepare supplementary document to address the Transport Department’s comments.

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/720 Proposed Temporary Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 106 (Part), 116 (Part), 117 (Part), 132 (Part) and 133 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/720)

Presentation and Question Sessions

105. Mr. Ernest C.M. Fung, STP/TMYL, informed the Committee that replacement pages of P. 8 to 13 and inclusion of Appendix IV of the Paper to reflect a public comment received had been distributed to Members for reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of 3 years;

[Mr. Timothy K.W. Ma and Mr. C.W. Tse returned to join the meeting at this point.]

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 1m to the southeast) and the access road (Ping Ha Road) and environmental nuisance was expected. However, no environmental complaint pertaining to the site had been received in the past three years;
- (d) one public comment from Ha Tsuen Concern Group was received during the first three weeks of the statutory publication period. The commenter objected to the application on the grounds of traffic safety to the elderly and children in view of heavy vehicles travelling along narrow access roads and agricultural land, massive unauthorised storage on-site without planning permission and violation of the leases, and the cumulative impacts of open storage uses on the area. The commenter accused that some approvals were renewed even when there were outstanding approval conditions not being complied with, which had led to further degradation of the environment in Ha Tsuen; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for

Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The applied use was not incompatible with most of the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards and warehouses falling within Category 1 areas. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the plan. The development was in line with the TPB PG-No. 13E in that DEP’s concerns could be addressed by way of approval conditions as recommended. Regarding DEP’s comment, there had not been any environmental complaint pertaining to the site over the past 3 years and approval conditions restricting the operation hours and the types of activity had been recommended. Regarding the public comments, government department consulted had no adverse comment on the application. Furthermore, due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications within the same “CDA” zone for similar temporary open storage and port back-up uses. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions.

106. Members had no question on the application.

[Mr. Simon K.M. Yu left the meeting temporarily and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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. to 8:00 a.m., as proposed by the

applicant, was allowed on the site during the approval period;

- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, vehicle repair and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the implementation of the drainage facilities proposed within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2011;
- (e) the submission of a revised landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;
- (f) in relation to (e) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2011;
- (g) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.9.2011;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.12.2011;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon 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.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the 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 the his prior approval. The occupier was required to apply to him for his approval to allow erection of any structure. He might, acting in the capacity as landlord, approve such application at his discretion and if such approval was granted, it would be subject to such terms and conditions including the payment of premium or fees as he might impose. The site was accessible from Ping Ha Road via an informal track on other private land. Access to the site also required traversing through Government land Allocation No. TYL 825 granted to Chief Engineer/Land Works of Civil Engineering and Development Department for any interface problem of 'Ping Ha Road Improvement – Remaining works'. He did not guarantee right-of-way to the site;
- (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; and
- (f) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for open storages. 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, the applicant was required to provide justifications to him for consideration.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/721 Proposed House (New Territories Exempted House – Small House)
in “Comprehensive Development Area” and
“Village Type Development” zones,
Lots No. 716 S.A and 716 S.B in D.D. 125, San Wai, Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/721)

Presentation and Question Sessions

109. Mr. Ernest C.M. Fung, STP/TMYL, 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);

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

- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site was located at the northern fringe of Ha Tsuen San Wai with 83.6% of it falling within the “Comprehensive Development Area” (“CDA”) zone. Similar development was piecemeal in nature, the proposed NTEH was not in line with the planning intention for the “CDA” zone. No strong planning justification had been given in the submission for a departure from the planning intentions of “CDA” zone. The application did not comply with the interim criteria for consideration of application for NTEH (Small House) development as the majority of the footprint of the proposed Small House fell outside the “Village Type Development” (“V”) zone of San Wai. Although there was a shortage of land in meeting the demand of Small House development, there was still quite sizeable area of land of about 2.72 ha available within the “V” zone for Small House development. A more prudent approach should be adopted so that Small House development would be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. The applicant had not

demonstrated that he could not acquire land in the “V” zone for Small House development. Besides, the proposed Small House was incompatible with the surrounding environment and environmental nuisance was expected. There was insufficient information/technical assessment in the submission to demonstrate that the industrial/residential interface problem between the proposed NTEH and the adjacent open storage uses could be satisfactorily resolved. There had not been any previous planning approval for development of Small House in the same “CDA” zone. Approval of the current application would set an undesirable precedent for other similar developments to proliferate into the “CDA” zone and defeating the intention for comprehensive development of the area.

110. A Member noted that there were some residential developments to the east of the site within the “CDA” zone as shown on Plan A-2 and asked why they were permitted. Mr. Ernest Fung explained that the houses to the east of the application site were built after the gazette of the Ha Tsuen Interim Development Permission Area Plan on 17.8.1990. This meant that they were non-conforming uses under the statutory plan. The approval of the application would set an undesirable precedent for other similar development to proliferate into the “CDA” zone defeating the planning intention of “CDA” zone and at the same time creating industrial/residential interface problem before the open storage uses were phased out.

Deliberation Session

111. 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 did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell outside the “Village Type Development” (“V”) zone. Village house development should be sited close to the village proper to ensure orderly development and provision of facilities;

- (b) there was no information in the submission to demonstrate why suitable sites within areas zoned “V” could not be made available for the proposed Small House development;
- (c) there was industrial/residential interface problem between the proposed Small House and the adjacent open storage uses. The applicant failed to demonstrate that this problem could be satisfactorily resolved; and
- (d) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “Comprehensive Development Area” zone, thus defeating the planning intention for comprehensive development of the area.

[The Chairman thanked Ernest C. M. Fung, STP/STN, for his attendance to answer Members’ enquiries. Mr. Fung left the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-TT/273 Proposed Houses and Minor Relaxation of Building Height Restriction in “Residential (Group D)” and “Village Type Development” zones, Lot 5288 in D.D. 116, Tai Tong Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/273)

112. The Committee noted that the applicant requested on 2.3.2011 for a deferment of the consideration of the application for two months in order to allow time to prepare submission of further information to address the further comments from government departments.

113. A Member noted that the applicant had requested for deferment for a few times and asked whether this would be the last deferment allowed. The Secretary said that the applicant could be reminded that no further deferment would be granted unless under very

special circumstances.

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

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/277 Temporary Outdoor Mini-Motorcycle Ground with
Ancillary Barbecue Area for a Period of 3 Years
in “Agriculture” zone,
Lots 1811 (Part), 1812 (Part), 1813, 1814 (Part) and
1815 S.A - S.D & S.E & S.J (Part) in D.D. 117 and
Adjoining Government Land, Wong Nai Tun Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/277)

Presentation and Question Sessions

115. 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 outdoor mini-motorcycle ground with ancillary barbecue area for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application. As the site was located in a quiet and tranquil environment, activities such as engine noise, human shouting and chatting would likely cause noise nuisance to nearby sensitive receivers. There were some domestic structures in the vicinity and the nearest one was only about 5m away from the site boundary. The submission by the applicants did not contain any technical assessment on noise impact to nearby noise sensitive receivers nor on the effectiveness of the noise reduction provided by the proposed 2.5m boundary wall along the southern site boundary. DEP received two environmental complaints against the site in April and October 2007. The complaints were related to noise and air nuisance from the proposed use. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as there were active farming activities in the vicinity of the site and the potential for agricultural rehabilitation at the site seemed high;

- (d) one public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. Designing Hong Kong Limited objected to the application in that the applied use was not in line with the planning intention of the area. The development would cause adverse environmental, landscape, traffic and drainage impacts on the surrounding areas; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. There was no change in the planning circumstances since the rejection of the last application No. A/YL-TT/248 by the Committee and the Board. The applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not favour the application as there were active farming activities in the vicinity of the site and the potential for agricultural rehabilitation at the site seemed high. Besides, DEP did not support the application due to the noise emission impact and nuisance to the nearby sensitive receivers and two environmental complaints related to noise and air nuisance were received in 2007. As

the site was located in a quiet and tranquil environment, the activities under application would likely cause noise nuisance to nearby sensitive receivers. There were some domestic structures in the vicinity and the nearest one was only about 5m away from the site boundary. The submission by the applicants did not contain any technical assessment on noise impact to nearby noise sensitive receivers nor on the effectiveness of the noise reduction provided by the proposed 2.5m boundary wall along the southern site boundary. There were doubts as to whether the possible adverse environmental impacts on the surroundings could be addressed by imposing approval conditions.

116. Members had no question on the application.

[Ms. Anita W.T. Ma, Dr. C.P. Lau and Dr. W.K. Yau returned to join the meeting at this point.]

Deliberation Session

117. 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 development was not in line with the planning intention of the “Agriculture” zone which was intended primarily to retain and safeguard good quality 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. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) adverse noise impact and nuisance from the development were envisaged. No technical submission had been submitted to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/280 Temporary Eating Place For a Period of 3 Years
in “Village Type Development” zone,
Lots 1256 (Part), 1258 (Part), 1259 RP (Part) and
1299 RP (Part) in D.D. 117 and Adjoining Government Land,
Tai Tong Shan Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/280)

Presentation and Question Sessions

118. 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 eating place for a period of 3 years;
- (c) departmental comments – no objection from concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. Although the eating place under application was not incompatible with the surrounding uses, the applicant had to demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. Despite the Committee’s repeated tolerance for approving similar

temporary restaurant/eating place use at the site, the applicant had failed to comply with the approval conditions on fire safety aspect. All the three previous approvals (under Applications No. A/YL-TT/149, 192 and 249) were revoked due to non-compliance with the approval condition(s) on fire safety aspect. Although the current application was submitted by a different applicant, the authorized agent of the current application was the applicant of the last previous application No. A/YL-TT/249. Despite being warned in the approval letter of the last application that sympathetic consideration to further planning application would not be given if the permission was again revoked for non-compliance with the approval conditions, the applicant failed to provide sufficient justifications as to why the approval conditions on fire safety aspect could not be complied with for so many years. Due to the failure in complying with approval conditions on fire service installations, the potential fire risks from the eating place could not be adequately addressed. The application therefore did not meet the Town Planning Board Guidelines for 'Application for Eating Place within "Village Type Development" Zone in Rural Areas under Section 16 of the Town Planning Ordinance' (TPB PG-No. 15A).

119. A Member asked whether the applicant had obtained restaurant licence for the subject development. Mr. Kepler Yuen said that, according to the applicant, he had not obtained a Provisional Licence for General Restaurant from the Food and Environmental Hygiene Department. The same Member asked why the application was for a temporary eating place and not a restaurant. The Secretary explained that "eating place" was a Broad Use Term which comprised restaurant use. Board Use Term was introduced under the revised Master Schedule of Notes to Statutory Plan by the Board in 2003. The proposed restaurant use was regarded as "eating place" use which was a Column 2 use under the Notes of the "V" zone. Hence, the application for a temporary eating place was submitted. The applicant would still have to apply for a restaurant licence even if planning permission for eating place was obtained.

Deliberation Session

120. 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) the previous 3 planning permissions granted under Applications No. A/YL-TT/149, 192 and 249 were revoked due to non-compliance with approval conditions on fire safety aspect, and the applicant failed to demonstrate to the Board that she would comply with approval conditions imposed by the Board; and
- (b) due to the failure in complying with approval conditions on fire service installations, the potential fire risks from the eating place could not be adequately addressed. The application therefore did not meet the Town Planning Board Guidelines for ‘Application for Eating Place within “Village Type Development” Zone in Rural Areas under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 15A).

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/524 Temporary Warehouse for Storage of Recycling Materials
(Excluding Electronic Waste and Not Involving Processing Activities)
for a Period of 2 Years in “Residential (Group C)” zone,
Lots 1279 S.B ss.1 S.A (Part), 1279 S.B ss.1 S.B (Part) and
1281 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/524)

Presentation and Question Sessions

121. 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 recycling materials (excluding electronic waste and not involving processing activities) for a period of 2 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 immediate north and in the vicinity of the site, and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years;
- (d) one public comment from Designing Hong Kong Limited was received during the first three weeks of the statutory publication period. The commenter objected to the application as it considered that the applied use was not in line with the planning intention of the residential zone; the use of the site was a blight to the environment; the application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E); and the approval of the application would set an undesirable precedent and induce further degradation of the rural environment. The commenter also requested the Board to impose a condition on landscaping and peripheral fencing should the application be approved; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The warehouse under application was not in line with the planning intention of the “R(C)” zone. Although there were warehouses, open storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. Other than a commitment to minimize noise and restricting the operation hours, the applicant had not provided information on how the potential environmental impact of the development could be

addressed. Although four similar applications (No. A/YL-TYST/169, 285, 344 and 377) for temporary warehouse uses had been approved on the site to the northeast of the current application site before, they were approved mainly on sympathetic consideration and the first approval (No. A/YL-TYST/169) was granted in 2002. Besides, with the recent completion of the residential development of One Hyde Park with 30 houses in the same “R(C)” zone at about 160m to the east of the site in 2009, there was a change in the planning circumstances of the area. The toleration of the applied warehouse would not only subject the residential development to potential environmental nuisance from the site, but would also frustrate the long-term development of the area according to the zoned use.

122. Members had no question on the application.

Deliberation Session

123. 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 development was not in line with the planning intention of the “Residential (Group C)” zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the development would generate adverse environmental impact on the residential uses located to the immediate north and in the vicinity of the application site.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/525 Temporary Warehouse for Storage of Construction Materials
(including Wooden Boards, Metal Goods and Ceramic Tiles)
and Advertising Boards for a Period of 3 Years
in “Residential (Group C)” zone,
Lot 1279 S.A (Part) in D.D. 119, Pak Sha Tsuen, Shap Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-TYST/525)

Presentation and Question Sessions

124. 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 construction materials (including wooden boards, metal goods and ceramic tiles) and advertising boards for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and southeast and in the vicinity of the site, and environmental nuisance was expected. There was no environmental complaint concerning the site received in the past 3 years;
- (d) one comment from Designing Hong Kong Limited public was received during the first three weeks of the statutory publication period. The commenter objected to the application as it considered that the applied use was not in line with the planning intention of the residential zone; the use of the site was a blight to the environment; the application did not comply

with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E); and the approval of the application would set an undesirable precedent and induce further degradation of the rural environment. The commenter also requested the Board to impose a condition on landscaping and peripheral fencing should the application be approved; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The warehouse under application was not in line with the planning intention of the “R(C)” zone. It was incompatible with the planned residential use and the existing residential development and structures in the surrounding areas. Although there were warehouses and open storage yards in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. However, except the proposed operation hours, the applicant provided no information on how the potential environmental impact of the development could be addressed. The vehicular access to the site from Kung Um Road had to pass through a local track of about 870m in length. The width of the access (less than 3m wide) was not adequate for the passage of heavy goods vehicles as proposed by the applicant since, according to the Commissioner for Transport, the width of the track should be at least 5m for straight road and 7m at road bends if the track was to be used by heavy goods vehicles. Although four similar applications (Nos. A/YL-TYST/169, 285, 344 and 377) for temporary warehouse uses had been approved on the site to the immediate north of the current application site before, they were approved mainly on sympathetic consideration and the first approval (No. A/YL-TYST/169) was granted in 2002. Besides, with the recent completion of the residential development of One Hyde Park with 30 houses in the same “R(C)” zone at about 80m to the east of the site in 2009, there was a change in the planning circumstances of the area. The toleration of the applied warehouse would

not only subject the residential development to potential environmental nuisance from the site, but would also frustrate the long-term development of the area according to the zoned use.

125. Members had no question on the application.

Deliberation Session

126. 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 development was not in line with the planning intention of the “Residential (Group C)” zone which was primarily for low-rise, low-density residential developments. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the development would generate adverse environmental impact on the residential uses located to the immediate east and southeast and in the vicinity of the application site; and
- (c) the vehicular access to the application site was inadequate for the passage of heavy goods vehicles which the applicant proposed for the operation at the development.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/526 Temporary Warehouse and Open Storage of Exhibition Materials, Garments, Construction Materials, Vehicle Parts and Marble with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 980 (Part), 981, 983 (Part), 993 (Part) and 999 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/526)

Presentation and Question Sessions

127. 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 and open storage of exhibition materials, garments, construction materials, vehicle parts and marble with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past 3 years;
- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The development was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, it was not incompatible with the surrounding areas which were mixed with 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. Regarding DEP’s concerns, it should be noted that there had not been any environmental complaint in the past three years. Moreover, most of the materials were to be stored within the enclosed warehouse structures. The proposed workshop was small in scale and was housed within one of the specified warehouse units which was more than 50m away from the residential uses nearby. To address DEP’s concerns, approval conditions restricting the operation hours, prohibiting workshop activities in the open area or outside the specified warehouse structure of the site and restricting the use of medium and heavy goods vehicles were recommended.

128. Members had no question on the application.

Deliberation Session

129. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, 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 or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (c) no grinding, polishing, cutting, repairing, dismantling or other workshop activities should be carried out in the open area or outside the specified warehouse structure of the application site for ancillary workshop, as proposed by the applicant, at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to enter/exit the application site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2011;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.9.2011;
- (i) in relation to (h) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.12.2011;
- (j) the submission of water supplies for firefighting and fire service

installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.9.2011;

- (k) in relation to (j) above, the implementation of water supplies for firefighting and 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 18.12.2011;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

130. 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 site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that applications for Short Term Waiver at Lots 980, 981 and 999 in D.D. 119 have been received. The owners of

Lots 983 and 993 in D.D. 119 would need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others 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 provided no maintenance works for this track nor guarantees right-of-way;

- (d) to note the comments of 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;
- (e) to note the comments of 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;
- (f) 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;
- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department’s (PlanD) that those existing trees as indicated in the legend of the submitted landscape plan (Drawing A-2) should be proposed trees instead;
- (h) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the size of the proposed catchpits and the details of connection with the existing surface drain should be shown on the

drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing surface channel would not be adversely affected by the development. Catchpits should be provided at the turning points along the proposed 375mm surface channel. The location and details of the proposed peripheral fencing should be shown on the drainage plan. The flow paths of the surface runoff from the adjacent areas should also be indicated on the drainage plan. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regard all proposed drainage works outside the site boundary or the applicant's jurisdiction;

- (i) to note the comments of Chief Engineer/Development (2), Water Supplies Department's (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. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (j) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulations (B(P)R) 41D;
- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently have not been obtained 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 storerooms and warehouses were considered as temporary buildings that were subject

to control under 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 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. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

- (1) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/527 Temporary Open Storage of Building Materials (Gravels, Bricks, Sand and Cement in Bags) and Construction Machinery 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/527)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building materials (gravels, bricks, sand and cement in bags) and construction machinery for a period of 3 years;
- (c) departmental comments –Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south of the site and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past 3 years;
- (d) no public comment was received during the first three weeks of 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 could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The application site fell within Category 1 areas under The Town Planning Board Guidelines for

“Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E). The application was generally in line with TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. The area was generally intended for open storage use but was designated as “U” zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, Commissioner for Transport had no objection to the application. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area. Previous planning approvals had been granted for similar temporary open storage use on the site since 1997. Compared with the last application (No. A/YL-TYST/341) approved in 2007, the carrying out of ancillary workshop activities was proposed in the current application. However, the proposed workshop was small in scale and the workshop activities were only carried out occasionally. There had been no material change in planning circumstances to warrant departure from the Committee’s previous decision. The development was not incompatible with the surrounding areas which were mainly mixed with open storage yards, warehouses and workshops. Regarding DEP’s comments, it should be noted that there had not been any environmental complaint in the past three years. Moreover, the residential uses to a large degree were screened off from the site by the row of warehouses located to the immediate south of the site. To address DEP’s concerns, approval conditions restricting the operation hours and the use of heavy goods vehicles were recommended.

132. Members had no question on the application.

Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.3.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to enter/exit the application site at any time during the planning approval period;
- (d) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.9.2011;
- (e) in relation to (d) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.12.2011;
- (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 18.9.2011;
- (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 18.12.2011;
- (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 18.9.2011;
- (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 18.12.2011;

- (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.

134. 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 site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners would need to apply to his office to regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village road on Government land extended from Kung Um Road. His office did not provide maintenance works on this Government land nor guarantee right-of-way;
- (c) to note the comments of 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;

- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (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 Chief Town Planner/Urban Design and Landscape, Planning Department that the layout of the storage areas, temporary structures and containers should be kept at least 1m away from the tree trunks for avoiding damages to the existing trees. Moreover, replacement planting should be carried out if the trees were found dead on-site;
- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed open storage site, the applicant was advised to make reference to the requirements that, for other open storage, open shed or enclosed structure with total floor area less than 230 m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that 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. Should the

applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;

- (h) to note the comments of 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 must 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
- (i) to note the comments of 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. 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 39

Any Other Business

135. There being no other business, the meeting was closed at 5:00 p.m..