

TOWN PLANNING BOARD

**Minutes of 446th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 5.8.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Lo

Dr. W.K. Yau

Mr. Stephen M.W. Yip

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

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

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

Assistant Director/New Territories
Lands Department
Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Mr. Walter K.L. Chan, Vice-chairman

Mr. Rock C.N. Chen

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Dr. C.P. Lau

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Miss Chu Hing Yin

Town Planner/Town Planning Board
Ms. Polly O.F. Yip

Agenda Item 1

Confirmation of the Draft Minutes of the 445th RNTPC Meeting held on 22.7.2011

[Open Meeting]

1. The draft minutes of the 445th RNTPC meeting held on 22.7.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-HC/3 Application for Amendment to the
Approved Ho Chung Outline Zoning Plan No. S/SK-HC/9
from “Residential (Group C)1” to “Village Type Development” zone,
Various Lots in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. Y/SK-HC/3)

Presentation and Question Sessions

3. Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs) of the Planning Department (PlanD), and the following applicant’s representatives, were invited to the meeting at this point.

Mr. Chung Pui Kai] the applicant's representative
Mr. Ngai Shek Keung] the applicant's representative

4. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Charles C.F. Yum, STP/SKIs, to brief Members on the background of the application. Mr. Charles C.F. Yum did so as detailed in the Paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to rezone the application site from “Residential (Group C)1” (“R(C)1”) to “Village Type Development” (“V”) on the approved Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/9 to facilitate the processing of Small House developments within the site;
- (b) the applicant who was the registered owner of Lot 277 S.E (as indicated in Plan Z-2 of the Paper) had submitted a Small House application to the Lands Department in 2006. However, he was not able to develop the Small House up to the standard development parameters (i.e. a roof-over area of 65.03m² and a maximum building height of 3 storeys (8.23m)) as the site fell within the “R(C)1” zone and was subject to the statutory planning control of the development parameters of the “R(C)1” zone;
- (c) the major departmental comments were summarized as follows :
 - (i) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) had no objection to the application. He advised that the site fell within the village ‘environs’ (‘VE’) of Ho Chung Village. The applicant was an indigenous villager of Yim Tin Tsai Village in Sai Keung Heung who had submitted a Small House application on Lot 722 S.E in D.D. 244 in 2006. Six other Small House applications were received by DLO/SK, LandsD within the site. The 10-year Small House demand forecast and the outstanding Small House applications for Ho Chung Village were 250 and 114 respectively. Upon rezoning of the site, which fell entirely within

the 'VE' of Ho Chung Village, from "R(C)1" to "V", Small House applications up to the standard development parameters could be considered;

- (ii) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advised that the site was surrounded by low-density residential developments and village houses. The proposed "V" zone was not incompatible with the landscape character of the surrounding areas. Significant impact on existing landscape resources was not anticipated and she had no objection to the proposed rezoning from the landscape planning perspective; and
- (iii) the Director of Agriculture, Fisheries and Conservation advised that the site was mainly covered by immature trees and shrubs of common species and a small part of the site was used for fruit farming. He had no comment on the application from the nature conservation point of view; and
- (d) three public comments were received during the statutory publication period. Two comments were submitted by the members of the public who objected to the application due to parking, pedestrian and cycle access problems. Another comment raised by Designing Hong Kong Limited expressing concern on the disruption of the urban peripheral village landscape; and

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

- (e) the Planning Department (PlanD)'s view – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows :
 - (i) the site was located within the 'VE' of Ho Chung Village and the proposed rezoning to "V" was compatible with the existing Ho Chung Village across Nam Pin Wai Road. Besides, development

of Small Houses at the site was considered not incompatible with the surrounding areas which were characterised by low-rise and low-density residential developments;

- (ii) although the site was located within the 'VE' of Ho Chung Village, Small House development within the site could not be approved under the development parameters of the "R(C)1" zone. In view of insufficient land in meeting the Small House demand within the "V" zone of Ho Chung Village, upon the rezoning of the site from "R(C)1" to "V", the site could be used for Small House development. This would alleviate the problem of shortage of land for Small House development. DLO/SK, LandsD had no objection to the application; and
- (iii) the proposed rezoning had no insurmountable problems on drainage, landscape, environmental and traffic impacts on the surrounding areas. Although there were three public comments against the application on traffic and landscape aspects, concerned government departments consulted, including the Commissioner for Transport and CTP/UD&L, PlanD, had no objection to or adverse comments on the application.

5. The Chairman then invited the applicant's representatives to elaborate on the application. Mr. Chung Pui Kai said that he agreed with the assessments made by PlanD as contained in the RNTPC Paper.

6. A Member asked whether there were other individuals or parties who had expressed interest for developing low-rise residential development in the area. In response, Mr. Charles C.F. Yum said that there was previously a proposal for a low-rise residential development (including the site) within the "R(C)1" zone. As the site fell within the 'VE' of Ho Chung Village, DLO/SK, LandsD advised that it should be reserved for Small House development by indigenous villagers.

7. The Chairman said that there was insufficient land in meeting the Small House demand of Ho Chung Village. However, the applicant was an indigenous villager of Yim Tin Tsai Village, a different village in Sai Kung Heung. The proposed rezoning of the site to “V” might not be able to alleviate the shortage of land for Small House developments of Ho Chung Village. In response, Mr. Ngai Shek Keung said that Yim Tin Tsai Village was in a remote location of Sai Kung Heung and the applicant had difficulties in finding suitable site within Yim Tin Tsai Village for Small House development. According to his understanding, an application for Small House development in Ho Chung Village submitted by an indigenous villager of another village would not be approved by LandsD. However, the applicant submitted the Small House application to LandsD back in 2006 prior to the adoption of the above practice. In response to a further enquiry from the Chairman, Mr. Ngai said that the site could accommodate about six Small Houses.

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

Deliberation Session

9. After deliberation, the Committee decided to agree to the application. The Chief Executive in Council would be requested to refer the approved Ho Chung OZP No. S/SK-HC/9 to the Board for amendment and the proposed amendment to the OZP would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

Agenda Items 4 and 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/198 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 552 S.B in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/198 and A/SK-HC/199)

A/SK-HC/199 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 556 S.A in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/198 and A/SK-HC/199)

Presentation and Question Sessions

10. The Committee noted that the two applications were presented in one RNTPC Paper as they were for the same use and the sites were located close to each other with the same “Agriculture” (“AGR”) zone. The Committee agreed that the two applications could be considered together.

11. Mr. Charles C.F. Yum, STP/SKIs, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the sites were located within an active agricultural area, the Ho Chung Valley, which was one of the major high quality agricultural land in Sai Kung. The sites possessed high potential for agricultural rehabilitation in terms of plant nursery or green house

cultivation. He did not support the applications from the agricultural point of view. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that there was an existing mature tree close to the site of Application No. A/SK-HC/198 and she had reservation on the application. For Application No. A/SK-HC/199, the site was a formed vacant land without any tree and she had no objection to the application. Landscape condition should be imposed for the two applications to ameliorate the landscape impact;

- (d) two public comments from two members of the public on each of the applications were received during the statutory publication period. They objected to the applications on the grounds that the “Agriculture” (“AGR”) zone was intended for agricultural purpose; there was a lack of a sustainable layout for infrastructure, parking, vehicular access, pedestrian access and green areas in the area; and Ho Chung Valley should be protected; and

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as set out in paragraph 11 of the Paper, which were summarised as below :
 - (i) the applications deserved sympathetic consideration according to the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’. The sites were located within the village ‘environs’ (‘VE’) of Ho Chung Village and there was a general shortage of land in meeting the demand for Small House developments in the “V” zone of Ho Chung Village;
 - (ii) the proposed Small Houses would not cause adverse drainage and environmental impacts on the surrounding areas and concerned government departments, including the Chief Engineer/Mainland South, Drainage Services Department and the Director of

Environmental Protection, had no objection to the application. Although DAFC advised that the sites were located within Ho Chung Valley, which was one of the major high quality agricultural land in Sai Kung, there were no farming activities on the sites or their surrounding areas. Moreover, the proposed Small Houses were compatible with the surrounding areas which comprised mainly village houses; and

- (iii) regarding the public comments on the lack of a sustainable layout and conservation aspect, the proposed Small Houses would not have major adverse impacts on the surrounding areas as confirmed by the relevant government departments.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.8.2015, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

14. The Committee also agreed to advise the applicants the following :

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the

development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;

- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site was located within an area where there was no DSD's sewerage connection available in the vicinity at present.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/200 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 569 RP in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/200)

Presentation and Question Sessions

15. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Ltd., the consultant of the application. The Committee considered that the interest of Ms. Kwong in this item was indirect and Ms. Kwong could be allowed to stay in the meeting.

16. Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site was located within an active agricultural area, the Ho Chung Valley, which was one of the major high quality agricultural land in Sai Kung. The site possessed high potential for agricultural rehabilitation in terms of plant nursery or green house cultivation. He did not support the application from the agricultural point of view;
- (d) eight public comments from eight members of the public were received during the statutory publication period. They objected to the application on the grounds that the “Agriculture” (“AGR”) zone was intended for agricultural purpose; there was adequate land in the “Village Type Development (“V”) zone; the proposed Small House development would have adverse impact on the existing vehicular access; there was a lack of a sustainable layout for infrastructure, parking, vehicular access, pedestrian access and green areas in the area; Ho Chung Valley should be protected; and approval of the application would set an undesirable precedent; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 11 of the Paper, which were summarised as below :
 - (i) the applications deserved sympathetic consideration according to the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’. The site was located

within the village 'environs' ('VE') of Ho Chung Village and there was a general shortage of land in meeting the demand for Small House developments in the "V" zone of Ho Chung Village;

- (ii) the proposed Small House had no adverse drainage, landscape, traffic and environmental impacts on the surrounding areas and concerned government departments, including the Chief Engineer/Mainland South, Drainage Services Department, the Chief Town Planner/Urban Design and Landscape, PlanD, the Commissioner for Transport and the Director of Environmental Protection, had no objection to the application;
- (iii) although DAFC advised that the site was located within Ho Chung Valley, which was one of the major high quality agricultural land in Sai Kung, there were no farming activities on the site and its surrounding areas. Moreover, the proposed Small House was compatible with the surrounding areas which comprised mainly village houses; and
- (iv) regarding the public comments on the traffic impact of the proposed Small House, the lack of a sustainable layout and the precedent effect of approving the application, the proposed Small House would not have significant adverse impacts on the surrounding areas as confirmed by the relevant government departments.

17. Members had no question on the application.

Deliberation Session

18. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.8.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site was located within an area where no DSD's sewerage connection was available in the vicinity at present.

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

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-TLS/39 Proposed Minor Relaxation of Building Storey and Building Height (from 2 Storeys over 1 Storey of Carport to 3 Storeys over 1 Storey of Carport and from 9m to 16.5m) in “Residential (Group C) 4” zone, Lot 1982 in S.D.2, 5 Fei Ngo Shan Road, Sai Kung
(RNTPC Paper No. A/SK-TLS/39)

20. The Secretary reported that on 25.7.2011, the applicant’s representative requested for a deferment of the consideration of the application for one month to allow sufficient time for the applicant to address the comments from concerned government departments.

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

Sha Tin, Tai Po and North District

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/ST/13 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from “Village Type Development” to “Government, Institution or Community (1)”, Government Land Adjoining Chi Ha Yuen, No. 186 Pai Tau Village, To Fung Shan, Sha Tin
(RNTPC Paper No. Y/ST/13)

22. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Toco Planning Consultants Ltd., the consultant of the application. The Committee considered that as the applicant had requested for a deferment of consideration of the application, Ms. Kwong could be allowed to stay in the meeting.

23. The Secretary further reported that on 25.7.2011, the applicant's representative requested for a deferment of the consideration of the application for two months to allow sufficient time for preparation of further information to address the comments/concerns from the Director of Environmental Protection.

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

[Mr. Anthony K.O. Luk, Mr. Otto Chan and Ms. Lisa L.S. Cheng, Senior Town Planners/Shatin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/755 Shop and Services (Money Exchange) in "Industrial" zone,
Unit F3, G/F, On Wah Industrial Building, 41-43 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/755)

Presentation and Question Sessions

25. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services (money exchange);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper, which were summarised below :
 - (i) the proposed money exchange was considered not incompatible with the adjoining units on the ground floor of the same industrial building which were occupied by mixed industrial and commercial uses. In view of the nature of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated;
 - (ii) the application premises had a separate access at Au Pui Wan Street. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. The approved aggregate commercial floor area of 'Shop and Services' use on the ground floor of the subject building was 16.1m². If the application premises (20m²) was

included, the aggregate commercial floor area would be 36.1m², which was within the maximum permissible limit of 460m²;

- (iii) the application complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" Zone' and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application; and
- (iv) 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 planning approval for the previous application (No. A/ST/720) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

26. Members had no question on the application.

Deliberation Session

27. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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 5.11.2011;
- (b) in relation to (a) above, 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 5.2.2012; 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval 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) and Licensing Unit, Buildings Department (BD) 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 having a fire resisting period of not less than two hours;
- (f) to note the comments of the Director of Fire Services that fire service installations should be provided to his satisfaction. 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. Regarding matters in relation to

fire resisting construction for the subject premises, the applicant was advised to comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by BD; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/756 Temporary Shop and Services (Real Estate Agency and Retail Shop)
for a Period of 5 Years in “Industrial” zone,
Unit C5 (Portion), G/F, Block 1, Kin Ho Industrial Building,
Nos. 14-24 Au Pui Wan Street , Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/756)

Presentation and Question Sessions

29. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and retail shop) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (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 made in paragraph 11 of the Paper, which were summarised below :
 - (i) the proposed shop and services use (real estate agency and retail shop) was considered not incompatible with the industrial and industrial related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity;
 - (ii) the application premises had a direct access at Au Pui Wan Street. The subject industrial building was subject to a maximum permissible limit of 460m² for aggregate commercial floor area on the ground floor. None of the premises on the ground floor of the subject building was approved for commercial use. If the application premises (20m²) was included, the aggregate commercial floor area would be 33m², which was within the maximum permissible limit of 460m²;
 - (iii) the application complied with the Town Planning Board Guidelines No. 25D for 'Use/Development within "Industrial" Zone' and relevant government departments consulted had no objection to or adverse comments on the application. No public comment had been received against the application; and
 - (iv) 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 planning approval for the previous application (No. A/ST/719) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

30. Members had no question on the application.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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 5.11.2011;
- (b) in relation to (a) above, 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 5.2.2012; 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.

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

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

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

- (c) should the applicant fail to comply with the approval 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) and Licensing Unit, Buildings Department (BD) 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 fire service installations should be provided to his satisfaction. 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. Regarding matters in relation to fire resisting construction for the subject premises, the applicant was advised to comply with the requirements as stipulated in the 'Code of Practice for Fire Resisting Construction' which was administered by BD.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/ST/757 House (non-New Territories Exempted House)
in “Village Type Development” zone,
Lots 221 RP (Part), 500 (Part) and 511 (Part) in D.D. 187,
Hin Tin, Sha Tin
(RNTPC Paper No. A/ST/757)

33. The Secretary reported that the Planning Department (PlanD) requested for a deferment of the consideration of the application for a period of two months in order to allow time for the District Lands Officer/Shu Tin, Lands Department (DLO/ST, LandsD) to seek legal advice on issues regarding the lease entitlements of the land within the application site, the requirements for lease modification and land exchange. The advice from DLO/ST, LandsD on lease entitlements was crucial to the consideration of the subject application.

34. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the advice from DLO/ST, LandsD on the lease entitlements issues. The Committee agreed that the application should be submitted for its consideration within two months upon receipt of the advice from DLO/ST, LandsD.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/366 Temporary Church Office with Ancillary Staff Quarters and Storage
for a Period of 3 Years in “Open Storage” zone
and an area shown as ‘Road’, Lot 2197 S.A (Part) in D.D. 76 and
Adjoining Government Land, Kwan Tei North Village, Fanling
(RNTPC Paper No. A/NE-TKL/366)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary church office with ancillary staff quarters and storage for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) commented that the site encroached on the area shown as ‘Road’. In case a road project (Road 2) was to be implemented within the approval period, the church office would be affected. Should the application be approved by the Committee, an approval condition should be imposed to stipulate that the planning permission should cease within a period, say one year, upon receipt of the notification from the Government on the implementation of the road project. The Project Manager (New Territories North and West), Civil Engineering and Development Department (PM(NTN&W), CEDD) advised that there was no planned implementation programme for the road project;
- (d) one public comment from a general public indicating no comment on the application was received during the statutory publication period. The District Officer (North) advised that the Chairman of Fanling District Rural Committee and the Chairman of Fanling Kwan Tei North Village Welfare Council raised objections to the application mainly on the grounds that the mission work would create safety problem to the village. Besides, the North District Council member, the Residents Representative and the Indigenous Inhabitants Representatives of Kwan Tei had no comment on the application; 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 made in paragraph 10 of the Paper, which were summarised below :

- (i) a majority of the application site (about 99%) fell within an area shown as 'Road' and a very minor portion (about 1%) of the site fell within the "Open Storage" ("OS") zone on the Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP). The alignment of Road 2 had been designated on the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/1 since its gazettal on 1.7.1994. Although C for T suggested the imposition of an approval condition to facilitate the implementation of the road project (Road 2), PM/NTN&W, CEDD advised that there was no planned implementation programme. Besides, the site fell outside the boundary of the Ping Che/Ta Kwu Ling New Development Area (NDA). Approval of the application on a temporary basis of three years would not frustrate the implementation programme of Road 2 and the Ping Che/Ta Kwu Ling NDA;
- (ii) the proposed development was unlikely cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Relevant government departments consulted, including the Director of Environment Protection, C for T, the Chief Engineer/Mainland North, Drainage Services Department and the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to or adverse comments on the application; and
- (iii) regarding the local concerns on public safety problem, the Commissioner of Police had been consulted and he had no comment on the application.

36. A Member asked whether the proposed church office was located within a temporary structure or in the open area. In response, Mr. Otto Chan said that the proposed church office was located on the upper floor of a temporary structure. It was currently in operation and the site condition was shown in Plan A-4 (Photo 2) of the Paper.

Deliberation Session

37. A Member suggested adding an advisory clause to remind the applicant that the planning permission would cease to have effect upon implementation of the road project. Another Member opined that the issue could be dealt with during processing of the Short Term Waiver and Short Term Tenancy for the site as concerned government departments would further be consulted on the implementation programme of the road project.

38. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.2.2012;
- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.5.2012;
- (c) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.2.2012;
- (d) in relation to (c) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.5.2012;
- (e) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.2.2012;

- (f) in relation to (e) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.5.2012; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.

39. The Committee also agreed to advise the applicant the following :

- (a) to note the comments of the District Lands Officer/North, Lands Department that the applicant should apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) for the regularization of the structure erected and the unauthorized occupation of government land. There was no guarantee that STW and STT would be granted to the applicant. If the STW and STT were granted, the grant would be made subject to such terms and conditions to be imposed, as the Government should deem fit to do so, including the payment of STW and STT fees/rent;
- (b) to note the comments of the Director of Fire Services that in preparing the submission for fire service installations, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed fire services installations and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the

construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the site was located within the flood pumping gathering ground;

- (d) to adopt the environmental mitigation measures as set out in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any possible environmental nuisances; 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 site. Based on the cable plans obtained and if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/367 Proposed House (New Territories Exempted House – Small House)
in "Agriculture" zone,
Lot 1087 S.C in D.D. 82, Tong Fong Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/367 and A/NE-TKL/368)

A/NE-TKL/368 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1087 S.A in D.D. 82, Tong Fong Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/367 and A/NE-TKL/368)

Presentation and Question Sessions

40. The Committee noted that the two applications were presented in one RNTPC Paper as they were for the same use and the sites were located close to each other within the same “Agriculture” (“AGR”) zone. The Committee agreed that the two applications could be considered together.

41. Mr. Otto Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House at each of the application sites;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development point of view as agricultural life in the vicinity of the sites was active and the sites had high potential for rehabilitation of agricultural activities;
- (d) two public comments from the same member of the public and Designing Hong Kong Limited (DHKL) on each of the applications were received during the statutory publication period. The member of the public supported the applications without giving any reasons. DHKL objected to the applications mainly on the grounds that the developments were not in line with the intention of the “AGR” zone and the character of the area; the layout of the existing and proposed infrastructure and development was haphazard; there was a lack of a sustainable layout to ensure the health and

well being of the residents and a quality urban design; and approval of the applications would further deteriorate the living environment of the area, affect the well being of the residents and caused health and social problems. Besides, the District Officer (North) advised that the Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitants Representative and the Residents Representatives of Tong Fong Village had no comment on the applications; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as set out in paragraph 11 of the Paper, which were summarised as below :
 - (i) the applications met the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the footprints of the proposed Small Houses fell within the village 'environs' ('VE') of Tong Fong Village and there was insufficient land within the "V" zone of Tong Fong Village to meet the Small House demand. Sympathetic consideration could be given to the applications;
 - (ii) although the proposed Small Houses were not in line with the planning intention of the "AGR" zone and DAFC did not support the applications from the agricultural point of view, the application sites were located to the south of the "V" zone of Tong Fong Village and the proposed Small Houses were not incompatible with other village houses in the vicinity;
 - (iii) the proposed Small Houses would not have significant adverse impacts on the traffic, environment and drainage of the surrounding areas. Relevant government departments consulted, including the Commissioner for Transport, the Director of Environmental Protection, the Chief Engineer/Mainland North, Drainage Services Department, had no objection to or adverse comment on the applications; and

- (iv) regarding the public comments on the lack of a sustainable layout and the precedent effect of approving the applications, the proposed Small Houses were not incompatible with other village houses in the vicinity and would not cause significant adverse impacts on the surrounding areas.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the applications, on the terms of the application as submitted to the Town Planning Board (TPB). The permissions should be valid until 5.8.2015, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. The permissions were subject to the following conditions :

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

44. The Committee also agreed to advise the applicants the following :

- (a) 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;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the site was located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Consultant Management Division had carried out sewerage works in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (d) to note the comments of the Commissioner for Transport that the existing vehicular access was not under the management of the Transport Department; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/431 Proposed Public Utility Installation (Sewage Pumping Station)
in “Agriculture” zone,
Lots 107 S.B (Part), 108 S.B RP (Part) and 109 S.B (Part) in D.D. 7
and Adjoining Government Land, Tai Wo Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/431)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from Designing Hong Kong Limited (DHKL) was received during the statutory publication period. DHKL requested the applicant to adopt all possible measures to mitigate the adverse visual impacts from the proposed development; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper, which were summarised as below :
 - (i) the proposed sewage pumping station was part of the ‘North District Sewerage Stage 2 Phase 1 Project’ for collecting and conveying the

sewage generated from Tai Wo Village to Shek Wu Hui Sewage Treatment Works for proper treatment. Upon completion of the sewerage scheme, the water pollution problem in the unsewered areas in Kau Lung Hang and the water in Deep Bay could be alleviated and the water quality of the area could be improved;

- (ii) with the implementation of mitigation measures, the proposed sewage pumping station would unlikely cause adverse environmental impacts on the nearby sensitive receivers and the Director of Environmental Protection had no objection to the application. As the site was located within the water gathering ground, approval conditions could be imposed to require the applicant to implement mitigation measures and contingency plans to minimise the change of sewage overflows to the surrounding areas. In this connection, the Chief Engineer/Development(2), Water Services Department had no objection to the application;
- (iii) the proposed sewage pumping station had a small development footprint and was considered not incompatible with the surrounding areas. The applicant had proposed landscape measures to mitigate the potential visual impact of the development and the Chief Town Planner/Urban Design and Landscape had no objection to the application; and
- (iv) the applicant had consulted the Tai Po Rural Committee, the Environment, Housing and Works Committee of the Tai Po District Council, the concerned Village Representatives and the local villagers, and they generally supported the implementation of the proposed sewerage scheme. Regarding the public comment on the visual impact of the development, the applicant would be advised to plant additional trees within the site, in particular along the site boundary, to enhance the screening and greening effects.

46. Members had no question on the application.

Deliberation Session

47. 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 5.8.2015, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

48. The Committee also agreed to advise the applicant the following :

- (a) the applicant should resolve any land issue relating to the development with the concerned owners of the application site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that the requirements and procedures as laid down in the Environment, Transport and Works Bureau Technical Circular (Works) No. 27/2003 dated 17.10.2003 should be followed and the applicant should submit an application to his office for Government Land Allocation for implementation of the proposed sewage pumping station;

- (c) to note the comments of the Director of Environmental Protection that the mitigation measures recommended in the Planning Statement should be fully implemented;
- (d) to note the conditions of the Chief Engineer/Development(2), Water Supplies Department as stated in Appendix II of the RNTPC Paper;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant should ensure that the development would not cause adverse drainage impact to the adjacent area. The applicant was required to maintain the systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (f) to note the comments of the Director of Fire Services that the emergency vehicular access arrangement should comply with Part VI of the 'Code of Practice for Means of Access for Firefighting and Rescue' administered by the Buildings Department and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that additional trees should be planted within the site, in particular along the site boundary, to enhance the screening and greening effect;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that Civil Engineering and Development Department (CEDD) should be consulted as the proposed works were located close to the project area of CEDD for the construction of cycle track linking Northwest New Territories and Northeast New Territories;

- (i) to note the comments of the District Officer/Tai Po that his office would take up the maintenance responsibilities of the proposed access to the pumping station if the proposed access would be connected to the future vehicular access to Au Tsai, and upon completion of the proposed access from Tai Wo to Au Tsai; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained and if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior to the establishment of any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant or his contractors should observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines.

Agenda Items 16 to 18

Section 16 Applications

[Open Meeting]

A/NE-LT/424 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1569 S.A ss.2 in D.D. 19, Ha Tin Liu Ha Tsuen,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/424 to A/NE-LT/426)

A/NE-LT/425 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lots 1598 S.A ss.2 S.A and 1598 S.A ss.3 in D.D. 19 and
Adjoining Government Land, Ha Tin Liu Ha Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/424 to A/NE-LT/426)

A/NE-LT/426 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 1598 S.A RP and 1598 S.A ss.2 RP in D.D. 19,
Ha Tin Liu Ha Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/424 to A/NE-LT/426)

49. The Committee noted that the requests for deferral of the three applications were presented in one RNTPC Paper as they were for the same use and were located close to each other within the same “Agriculture” (“AGR”) or “Village Type Development” zones. The Committee agreed that the requests for deferral of the three applications could be considered together.

50. The Secretary reported that on 12.7.2011, the applicants’ representative requested for a further deferment of the consideration of the applications for two more months to allow time for the applicants to obtain consent from concerned landowners and confirm the feasibility of the sewerage connection for the proposed Small Houses.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/364 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 682 S.A in D.D. 23, Po Sam Pai Village, Tai Po
(RNTPC Paper No. A/NE-TK/364)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – (NTEH) Small House);
- (c) departmental comments were detailed in paragraph 9 and Appendix IV of the Paper and highlighted below :
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site was largely located within “Agriculture” (“AGR”) zone and has high potential for agricultural rehabilitation;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. A site visit conducted on 6.7.2011 revealed that there was a group of existing woodland trees of significant size and in good condition covering the site. The construction of the proposed Small House and the associated site formation works would have direct impacts on the existing trees.

Tree felling and site clearance seemed inevitable. Substantial changes and disturbances to the existing landscape character and resources were anticipated. The applicant had not submitted any tree preservation and landscape proposals to alleviate the adverse landscape impacts;

- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection to the application but he advised that there was no public drain in the vicinity of the site. Sewerage connection might be available near the site when the proposed village sewerage works under the project, 'Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C' was completed in 2012/13;
- (d) four public comments against the application were received during the statutory publication period. The comments were submitted by the nearby villagers/residents and they raised concern on the adverse agricultural, drainage, geotechnical, environmental, visual, landscape and fung shui impacts generated from the proposed Small House on the surrounding areas. The site and its surrounding area were overgrown with mature trees and dense vegetation on natural hill slopes, the construction of the Small House would result in clearance of mature trees and dense vegetation and thus damaged the natural environment of the area. They also worried that the proposed Small House would block an existing local track adjoining the site leading to the agricultural land behind the hill; 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, which were summarised as below :
 - (i) although the site fell within the village 'environ' ('VE') of Po Sam Pai Village and there was a general shortage of land in meeting the demand for Small House development in the concerned "Village Type Development" ("V") zone, the application did not comply with the 'Interim Criteria for Consideration of Application for

NTEH/Small House in the New Territories' in that the proposed Small House would cause adverse landscape impacts on the surrounding areas. The site and the area to its west were overgrown with mature trees and dense vegetation (as indicated in Plans A-3, A-4a and A-4b of the Paper). The construction of the proposed Small House and the associated site formation works would likely involve clearance of mature trees and dense vegetation causing irreversible damage to the landscape resources and character of the surrounding areas. The applicant had not submitted any tree preservation and landscape proposals to alleviate the adverse landscape impacts. CTP/UD&L, PlanD objected to the application from the landscape planning point of view. DAFC also did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation;

- (ii) 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 natural environment and landscape quality of the area, and further encroachment of the woodland surrounding the area; and
- (iii) there were also public comments against the application in that the proposed development would cause damage to the mature trees and natural vegetation and cause adverse landscape impact on the surrounding areas.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 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 construction of the proposed Small House and the associated site formation works would have direct impacts on the mature trees and dense vegetation on the site and its surrounding areas and cause irreversible damage to the landscape resources and character of the area. The applicant failed to demonstrate that the proposed development would not cause adverse 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 area and a general degradation of the environment and landscape quality of the area.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/PSK/14

Proposed Public Transport Terminus or Station

(Public Transport Interchange)

in “Open Space” zone and an area shown as ‘Road’, Government Land Adjoining Tai Po Town Lot No. 188 (Junction of Fo Shing Road and Chong San Road) in D.D. 34 and 36, Pak Shek Kok, Tai Po

(RNTPC Paper No. A/PSK/14)

55. The Secretary reported that Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Hyder Consulting Ltd., one of the consultants of the application. The Committee considered that as the applicant had requested for a deferment of consideration of the application, Dr. Lau could be allowed to stay in the meeting.

56. The Secretary reported that on 29.7.2011, the applicant's representative requested for a deferment of the consideration of the application for two months to allow additional time for the applicant to prepare responses to the departmental comments.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/501 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 20, Ta Tit Yan, Tai Po
(RNTPC Paper No. A/TP/501)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments were detailed in paragraph 10 and Appendix IV of the Paper and highlighted below :
- (i) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application. The site was located within the upper indirect water gathering grounds (WGGs) (as indicated in Plan A-1 of the Paper) and there was no confirmed programme for provision of public sewer at Ta Tit Yan Village. Sewer connectivity was in question;
 - (ii) the Chief Engineer/Mainland North advised that there were no existing public stormwater drains and public sewerage connection available in the area;
 - (iii) the Director of Environmental Protection (DEP) did not support the application as the discharge from the proposed Small House would have the potential to cause water pollution. The use of septic tank and soakaway systems for sewerage treatment and disposal was not an acceptable alternative for new village type developments located in the WGGs; and
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view. There was an exotic semi-mature fruit tree, *Citrus maxima*, located at the southeast corner of the site boundary. The existing vegetation on site would inevitably be removed or cleared due to the construction of the proposed Small House. No tree preservation and landscape proposals were included in the application to address the adverse landscape impacts. Moreover, the site was not far from the existing woodland trees and bamboos to the south within the “Green Belt” (“GB”) zone, which would likely to be affected by the site formation works of the proposed Small House. Moderate changes and

disturbances to the existing landscape character and resources were anticipated;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper, which were summarised as below :
 - (i) although the site fell entirely within the village 'environ' ('VE') of Ta Tit Yan Village, more than 50% of the site was within the "V" zone and there was a general shortage of land in meeting the Small House demand, the application did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' as the site fell within the upper indirect WGGs and the proposed Small House would not be able to be connected to the existing or planned sewerage system in the area. CE/MN, DSD advised that there were no existing public stormwater drains and public sewerage connection available in the area. CE/Dev(2), WSD objected to the application as the site was located within the upper indirect WGGs and there was no confirmed programme for provision of public sewer at Ta Tit Yan Village. Besides, DEP did not support the application as the discharge from the proposed Small House would have the potential to cause water pollution. The use of septic tank and soakaway systems for sewerage treatment and disposal was not an acceptable alternative for new village type developments located in the WGGs;
 - (ii) the application was not in line with the planning intention of the "Green Belt" ("GB") zone. No strong justifications had been provided in the submission for a departure from the planning intention. Moreover, CTP/UD&L, PlanD pointed out that the

existing vegetation including an exotic semi-mature fruit tree, *Citrus maxima*, on site would inevitably be removed or cleared due to the construction of the proposed Small House. There were no tree preservation and landscape proposals included in the application. She had reservations on the application from the landscape planning point of view; and

- (iii) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in a general degradation of the natural environment in the area.

59. Members had no question on the application.

Deliberation Session

60. In response to the Chairman’s enquiry, Ms. Lisa L.S. Cheng said that the application site fell within the upper indirect WWGs (as indicated in Plan A-1 of the Paper) and there was no public sewer connection stormwater drains and public sewerage connection available in the area. Although there were some existing Small House developments within the “V” zone of Ta Tit Yan Village (as indicated in Plan A-2 of the Paper), the “V” zone was small and there was no confirmed programme for provision of public sewer at Ta Tit Yan Village.

61. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 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”) zoning for the area which was to define the limits of urban development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong

planning justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with the ‘Interim Criteria for Consideration of Applications for New Territories Exempted House (NTEH)/Small Houses in the New Territories’ as the site for the NTEH/Small House development fell within the upper indirect water gathering grounds (WGGs) and the Small House, if built, would not be able to be connected to the existing or planned sewerage system in the area. The applicant could not demonstrate that the proposed development located within the WGGs would not cause adverse impact on the water quality in the area; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would encourage urban sprawl into the tranquil valley and result in a general degradation of the natural environment in the area.

[The Chairman thanked Mr. Anthony K.O. Luk, Mr. Otto Chan and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. Mr. Luk, Mr. Chan and Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/217 Proposed Temporary Eating Place (Restaurant)
for a Period of 3 Years in “Village Type Development” zone,
G/F, No. 57 Lam Tei Main Street, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/217)

Presentation and Question Sessions

62. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary eating place (restaurant) for a period of three years;
- (c) departmental comments were detailed in paragraph 10 of the Paper and highlighted below :
 - (i) the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that the lot under application was an Old Scheduled House Lot without any use restriction and the government land adjoining the private lot had been covered by the Short Term Tenancy (STT) No. 317 for restaurant use. As the tenant of STT No. 317 was deceased, the occupant of the STT site (the same applicant as the subject application) applied to his office for cancellation of the said STT and re-issue of a new STT for restaurant and storage purposes. Besides, there was no Small House application at the site and in its vicinity;
 - (ii) the Director of Environmental Protection (DEP) advised that no complaint related to the site was recorded from 2008 to May 2011.

He noted that there was a public comment objecting to the application in view of environmental nuisances, among others, from a nearby restaurant. It was prudent to consider another location for the use to avoid environmental nuisances to the public. The applicant should liaise with the objector to address his concern; and

- (iii) the Director of Food and Environmental Hygiene (DFEH) commented that food business licences would only be issued to food premises if they conformed to the prescribed safety and hygiene standards as laid down by laws as well as provisions stipulated by other departments.
- (d) three public comments were received during the statutory publication period. A Tuen Mun District Councillor supported the application without giving any reason. A resident of Lam Tei Main Street strongly objected to the application on the grounds that the sanitary condition had been deteriorated since the opening of the restaurant. There was emission of smoke and grease to the nearby residences (including the commenter's home) and the residents could not open their windows. Dish washing at the back alley and cooking in the restaurants caused noise nuisances and affected their daily lives. The fire escape was very narrow and they worried about the safety in case of fire hazard. An individual objected to the application on environmental and hygiene grounds. The proposed temporary use would generate grease, sewage and noise nuisances. The food in the restaurant would lead to breeding of rats and cockroaches and affect the health of the villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below :
 - (i) according to the applicant, the premises had been used as a restaurant for more than 20 years. DEP advised that no pollution

complaint related to the site was recorded from 2008 to May 2011 and DEFH has no adverse comment on the application. Moreover, the proposed restaurant was subject to the relevant licensing procedure to ensure compliance with safety and hygiene standards;

- (ii) the premises was relatively small (about 98.79m²) and would provide a maximum of 50 seats. The proposed temporary use was not incompatible with the surrounding areas with a mix of commercial/residential buildings, shop and services, restaurants and a market. DLO/TM, LandsD advised that there was no Small House application at the site and in its vicinity. As the permission sought was temporary in nature, approval of the application would not adversely affect the land availability for village type developments;
- (iii) other concerned government departments consulted had no adverse comment on the application. The technical concerns of the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services (D of FS) on provision of drainage facilities and fire service installations could be addressed by imposing appropriate approval conditions; and
- (iv) although there were public comments objecting to the application on environmental, hygiene and fire safety grounds. DEP, DFEH and D of FS had no adverse comments on the application.

63. Members had no question on the application.

Deliberation Session

64. The Chairman said that according to the applicant, the subject premises had been used as a restaurant for more than 20 years. He asked if the restaurant use at the site was an 'existing use'. In response, Mr. K.C. Kan said that no evidence was available to demonstrate that the restaurant was an 'existing use'. However, according to his

understanding, the applicant had sought the Lands Department's advice on whether the restaurant use on ground floor of the subject premises could be regarded as Column 1 use. LandsD advised that the floor area of the subject premises (about 98.79m²) had exceeded the maximum roof-over area of a NTEH (65.03m²) and hence could not be exempted from planning application. In response to the Chairman's enquiry on any previous records of Short Term Waiver for the restaurant use at the subject premises, Ms. Anita K.F. Lam said that she did not have the information.

65. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no 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;
- (b) 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 5.2.2012;
- (c) in relation to (b) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.5.2012;
- (d) 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 5.2.2012;
- (e) in relation to (d) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.5.2012;
- (f) if the above planning condition (a) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (g) if any of the above planning conditions (b), (c), (d) or (e) 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 the following :

- (a) the granting of planning approval should not be construed as condoning to unauthorized structures, if any, existing on the site under the Buildings Ordinance (BO) and the allied regulations;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that his office would consider issuing the proposed Short Term Tenancy (STT) to the applicant for the occupation of the government land adjoining the lot and STT No. 317 should be terminated. In the event that the STT application was approved, it would be subject to such terms and conditions as the Government should deem fit to do so, including charging of rental, deposits and administrative fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing building/structures to be used for restaurant was New Territories Exempted House (NTEH) to which Cap 121. of the Laws of Hong Kong (i.e. BO (Application to the New Territories) Ordinance) applied, DLO/TM, LandsD would be in a better position to advise. In this connection, the suitability of the premises for restaurant use would depend on a number of factors including means of escape, fire resisting construction, structural stability of buildings as well as the existence of unauthorized building works. Since NTEH was not under the preview of BD, he was not in the position to advise on its suitability of use as restaurant. Any unauthorized structures existing on the site should be removed as they were liable to enforcement action under section 24 of the BO;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department to minimise potential environmental impacts on the surrounding areas. In view of the public comment from the nearby restaurant, it was prudent to consider selecting another location for the use to avoid environmental nuisances to the public. The applicant was requested to liaise with the objector to address his concerns;
- (f) to note the comments of the Director of Food and Environmental Hygiene that food business licences would only be issued to food premises if they conformed to the prescribed safety and hygiene standards as laid down by laws as well as provisions stipulated by other government departments;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the premises was in an area where no public stormwater drainage connection was available. The applicant should arrange his own stormwater disposal facilities to cater for rain water falling on or flowing to the premises to the satisfaction of DSD. The site was in an area where no direct public sewerage connection was available; and
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority.

Agenda Item 23

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/151-2 Application for Extension of Time for Commencement of the Proposed Residential Development with Retail Facilities and a Minor Relaxation of Building Height Restriction in “Commercial” zone, Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/151-2)

Presentation and Question Sessions

67. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time (EOT) for commencement of the proposed residential development with retail facilities and a minor relaxation of building height restriction approved on 10.8.2007 for a period of 4 years until 10.8.2015 (i.e. additional 4 years from the original approval);
- (c) departmental comments – the Project Manager/Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office, Highways Department (PM/HZMB, HyD) advised that the proposed development would be in direct conflict with the proposed Tuen Mun Western Bypass (TMWB) (as indicated in Plan AA-2 of the Paper). He was considering an alternative alignment of the concerned section of the TMWB proposed by the applicant. The Commissioner for Transport (C for T) commented that as the date of the commencement of the development would be deferred by 4 years, the traffic impact assessment (TIA) and environmental impact assessment (EIA) involving traffic forecast might need to be reviewed. The Director of Environmental Protection (DEP) also commented that the

noise and air quality assessments might need to be reviewed in view of the variations in traffic forecast;

[Mr. Andrew Y.T. Tsang left the meeting at this point.]

- (d) the District Officer (Tuen Mun) advised that two objection letters from a Tuen Mun District Councillor and three Nai Wai Village Representatives were received. The Tuen Mun District Councillor strongly objected to the application on the grounds that the ancestral graves of the To's clan in front of the site was the best burial ground for the To's clan. The proposed development would seriously ruin their fung shui and adversely affect their lives and wealth. He hoped that the application could be permanently shelved. The three Nai Wai Village Representatives objected to the application on similar fung shui grounds. They hoped that the Committee would value and respect their views. If the authorities concerned continued to disregard public views, they might arouse public objection to protect the fung shui of their ancestral graves; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for EOT for commencement of the approved development for a period of 4 years based on the assessments made in paragraph 8 of the Paper, which were summarised below :
 - (i) the applicant had taken reasonable action for the implementation of the approved development with reference to the Town Planning Board Guidelines No. 35B on 'Extension of Time for Commencement of Development'. He had submitted land exchange application to the Lands Department in November 2007. According to the applicant, several matters including delineation of site boundary, interface and landholding issues had slowed down and lengthened the implementation of the application, the site boundary and re-grant area matters were only resolved/agreed on 8.10.2010;

- (ii) there had been a major change in planning circumstances and PM/HZMB, HyD commented that the proposed development would be in direct conflict with the proposed TMWB (as indicated in Plan AA-2 of the Paper). He was considering an alternative alignment of the concerned section of the TMWB as proposed by the applicant. The land exchange had not been completed. Whether the proposed development could be implemented would depend on the outcome of consideration of the alternative alignment;
- (iii) other government departments consulted had no adverse comments on the application. Regarding the comments of C for T and DEP, approval conditions requiring the applicant to submit a revised TIA and implement of the traffic improvement measures identified therein, and submit a revised EIA were recommended; and
- (iv) the local concerns on fung shui grounds had been considered by the Committee in granting the planning permission on 10.8.2007. An advisory clause was proposed to advise the applicant to liaise with the locals to address their concerns.

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 10.8.2015, 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 Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;

- (b) the design and provision of environmental mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the submission of the design, colour scheme and finishing materials of the noise barrier walls including the proposed measures to mitigate the visual impact on the surrounding area to the satisfaction of the Director of Planning or of the TPB;
- (d) the provision of footpath along Castle Peak Road – Lam Tei section to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the provision of emergency vehicular access, water supply for fire fighting and fire service installations for the site to the satisfaction of the Director of Fire Services or of the TPB;
- (g) the submission of a revised traffic impact assessment and implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB; and
- (h) the submission of a revised environmental impact assessment (including noise and air quality assessments) to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the site comprised Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and adjoining government land. It was noted that the portion of government land involved in the application was of considerable size as compared with the land owned by the applicant. The applicant would need to apply to LandsD for a lease modification/land exchange for

the above proposal. There was no guarantee that the application, if received by LandsD, would be approved and he reserved his comment. The application would be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that if 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 the payment of premium and administrative fee as might be imposed by LandsD. Detailed checking of the proposed site boundary would be made during the processing of lease modification/land exchange application. If there was any encroachment by the site onto the West Rail Vesting Boundary, the applicant would be required to setback the site boundary if necessary;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the applicant should be reminded of the requirements for window opening under the Building (Planning) Regulations for the purpose of natural lighting and ventilation. Detailed checking of plans would be carried out upon formal submission of building plans;
- (c) to note the comments of the Director of Electrical and Mechanical Services that the applicant should follow the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation and consult China Light and Power Hong Kong Limited prior to establishing any structures;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the applicant should bear the cost of any necessary diversion works affected by the development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 meters from the centerline of the water mains should be provided. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all

times to the said area with necessary plant and vehicles for the purposes of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

- (e) to note the comments of the Commissioner for Transport and the Chief Highway Engineer/New Territories West, Highways Department that the proposed boundary of the proposed development should not encroach upon the existing road area;
- (f) to note the comments of the District Officer (Tuen Mun), Home Affairs Department regarding the local objections and the applicant was advised to liaise with the locals to address their concerns; and
- (g) to note the comments of the Project Manager/Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management Office, Highways Department that the proposed development would be in direct conflict with the proposed the Tuen Mun Western Bypass project.

[Dr. James C.W. Lau left the meeting temporarily at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-MP/185 Proposed Comprehensive Development to include
Wetland Restoration Area (Houses and Wetland Habitat)
(Proposed Amendments to an Approved Scheme)
in “Other Specified Uses” annotated “Comprehensive Development
to include Wetland Restoration Area” zone,
Lots 43 S.A RP (Part) and 50 in D.D.101, Wo Shang Wai,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/185)

71. The Secretary reported that the application was submitted by Profit Point Enterprises Ltd., a subsidiary of Henderson Land Development Co. Ltd. (HEND). Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with HEND. The Committee considered that as the applicant had requested for a deferment of consideration of the application, Dr. Lau could be allowed to stay in the meeting but he had just left the meeting temporarily.

72. The Secretary reported that on 15.4.2011, the Committee at the request of the Planning Department (PlanD) decided to defer a decision on the application for two months in order to allow time for the Administration to consider how to deal with the provision of wetland restoration area at the site under the overall policy framework for provision of wetland in private developments. On 15.7.2011, the Environment Bureau informed the Board at its meeting that the Administration would pursue to implement the public-private partnership scheme promulgated under the New Nature Conservation Policy in 2004. The applicant, on 17.6.2011 and 28.7.2011, submitted further information on the long-term maintenance and management of the wetland restoration area. PlanD requested for a further deferment of the consideration of the application for a period of one more month in order to allow time for PlanD to seek further comments from relevant government departments.

73. Members suggested that the deferment period should be extended to two months in order to allow more time for PlanD to seek further comments/views from relevant government departments and reach a consensus on the long-term maintenance and management of the wetland restoration area.

74. After further deliberation, the Committee decided to defer a decision on the application as requested by PlanD pending the receipt of further comments from relevant government departments on the long-term maintenance and management of the wetland restoration area. The Committee agreed that the application should be submitted for its consideration within two months upon the receipt of further comments from relevant government departments.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/191 Proposed Temporary Vegetable Distribution Centre
for a Period of 3 Years in “Village Type Development” zone,
Lot 1261 RP in D.D. 105 and Adjoining Government Land,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/191)

Presentation and Question Sessions

75. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Dr. James C.W. Lau returned to join the meeting at this point.]

- (b) the proposed temporary vegetable distribution centre for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) five public comments were received during the statutory publication period. The Village Representative (VR) of Mai Po Tsuen objected to the application on the grounds that there was only an one-way access (with no lay-by) in the area serving the Small Houses and lorries using the access would cause traffic congestion. The vegetable distribution centre operating at night would generate noise nuisance to the nearby residents. The Government should consider using the concerned government land as lay-by and emergency vehicular access. A Yuen Long District Councillor objected to the application on similar grounds that the lorries serving the

vegetation distribution centre would generated noise and dust nuisances to the nearby residents. The other three comments submitted by the Owners' Incorporation of Royal Palms (Phase A), the Owners' Incorporation of Royal Palms (Phase B) and the Owners' Incorporation of Royal Palms objected to the application mainly on the grounds that the tranquil environment would be spoiled by the noise generated from the transportation, distribution and packaging of agricultural product during midnight. The vegetable distribution centre might generate considerable amount of vegetable waste which would lead to breeding of mosquitoes and pests and affect the hygiene and the health of the nearby residents. Besides, the District Officer (Yuen Long) advised that an objection letter from the VRs and villagers of Mai Po was received. They objected to the application on the grounds that there was already a vegetable market in the village. The single-lane road was not suitable for use by large vehicles and the vegetable distribution centre was located close to the nearby residents, its night-time operation would affect their daily lives; 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, which were summarised as below :
 - (i) the proposed temporary development was not in line with the planning intention of the “Village Type Development” (“V”) zone. No strong planning justification had been given in the submission for a departure from the planning intention even on a temporary basis;
 - (ii) there were residential structures in the north abutting on the access to the site and the nearest one was located at about 10m to the south of the site. Another two Small Houses under construction were located to the further south of the site (as indicated in Plan A-2 of the Paper). The proposed temporary vegetable distribution centre would operate overnight. Although the applicants stated that no machine would be used during the distribution and packaging

process and the process would be carried out inside the warehouse, the loading/unloading of boxes of vegetables by wheeled handcarts through the access to and from the warehouse would generate noise nuisance to the nearby residents. The applicants had not submitted any proposal to mitigate the potential impact on the nearby residential use;

- (iii) there was no public storm-water drainage connection in the area. The applicants had not provided information to demonstrate that the proposed temporary development would not cause adverse drainage impacts on the surrounding areas. The Chief Engineer/Mainland North, Drainage Services Department commented that the applicant should be required to submit the drainage proposal and provide the drainage facilities; and
- (iv) the site was the subject of three previous applications (No. A/YL-MP/82, 92 and 101) (as indicated in Plan A-1) for temporary warehouse uses rejected by the Committee. No similar application for vegetable distribution centre within “V” zone had been approved in this area. Approval of the application will set an undesirable precedent for other similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area; and
- (v) there were also public comments objecting the application mainly on traffic and environmental grounds.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed temporary development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. 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 applicants failed to demonstrate that the proposed development would not have adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/192 Proposed Temporary Wooden Platforms at Mai Po Nature Reserve to Facilitate the Delivery of Environmental Education Programmes for a Period of 3 Years in “Site of Special Scientific Interest” zone, Gei Wai 16b, Mai Po Nature Reserve, Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/192)

Presentation and Question Sessions

78. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary wooden platforms at Mai Po Nature Reserve to facilitate the delivery of environmental education programmes for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised as follows :
 - (i) the proposed temporary wooden platforms were in line with the planning intention of the “Site of Special Scientific Interest” (“SSSI”). The wooden platforms were to provide safe accesses for field sampling for school programmes and interpretation locations for public visitors. The delivery of environmental education programmes in Mai Po Nature Reserve would be managed by the applicant, World Wide Fund for Nature Hong Kong;
 - (ii) the proposed temporary wooden platforms complied with the requirements of the Town Planning Board Guidelines No. 12B for ‘Application for Developments within the Deep Bay’ in that they

helped to support the conservation of the ecological value of the fishponds which formed an integral part of the wetland ecosystem in the Deep Bay Area through public education. The applicant had submitted an Environmental Assessment which covered the ecological aspect and the Director of Agriculture, Fisheries and Conservation has no adverse comments on the application;

- (iii) the proposed temporary wooden platforms were considered not incompatible with the surrounding natural environment and would not have adverse landscape impacts on the existing landscape resources. Concerned government departments consulted had no adverse comments on the application; and
- (iv) the Committee had approved five applications (No. A/YL-MP/28, 58, 84, 152 and 165) (as indicated in Plan A-1 and Appendix II of the Paper) for similar uses within the same “SSSI” zone since 1997, approval of the application was not inconsistent with the previous decisions of the Committee.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- upon the expiry of the planning permission, the reinstatement of the application site to its original state to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site was situated on government land within a licence area which had been granted to the applicant since 1984 for the permission to occupy the said area for the purpose of a wildlife education centre. As expressed in the Licence Conditions, the Licence Area should not be used for any purpose other than as part of the wildlife education centre established in Mai Po by the Licensee. Moreover, no structure other than those which should have obtained his prior written approval should be erected on the Licence Area. The applicant should apply to his office for the aforementioned written approval for the erection of the proposed temporary wooden platforms prior to the commencement of work. Should no application be received/approved and the irregularities persist on-site, his office would consider taking appropriate action against the Licensee pursuant to the relevant provisions of the Licence; and
- (b) 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 minimise any environmental impact during construction.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/738 Temporary Open Storage of Construction Machinery and Construction Materials and Container Vehicle Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 844 RP (Part) and 845 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/738)

Presentation and Question Sessions

82. 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 construction machinery and construction materials and container vehicle park for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that one air pollution complaint against the site was received in 2010. He did not support the application as there were sensitive uses in the vicinity of the site and the access road (Ping Ha Road), and environmental nuisance was expected;
- (d) one public comment from a Yuen Long District Councillor was received during the statutory publication period. The commenter opined that the site was located close to housing estates and the development should not generate noise nuisance and pollution; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below :
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Comprehensive Development Area” (“CDA”) zone which were mainly open storage yards. There was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “CDA” zone;

- (ii) the development was in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that concerned government departments, except DEP, had no adverse comments on the application. The technical concern of the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services on submission and implementation of tree preservation and landscape proposal, and fire services installation proposal could be addressed by imposing approval conditions;
- (iii) although DEP did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road) (as indicated in Plan A-2 of the Paper) and there was an air pollution complaint pertaining to the site in 2010, approval conditions restricting the operation hours and stacking height of materials were recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimise the possible environmental impacts on the nearby sensitive receivers;
- (iv) the Committee had approved 4 previous applications (No. A/YL-HT/178, 362, 514 and 600) (as indicated in Plan A-1) for various temporary open storage uses since 2000. There had been no material change in the planning circumstances since the granting of the previous approvals. Approval of the subject application was in line with the Committee's previous decisions; and
- (v) although there was a public comment expressing concern on the proximity of the site to housing estates, the nearest housing estate was located at about 320m away and the development would not generate noise and pollute the environment.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/600 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/600 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.2.2012;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.2.2012;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.5.2012;

- (h) the submission of 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 5.2.2012;
- (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 Director of Fire Services or of the TPB by 5.5.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

85. The Committee also agreed to advise the applicant 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, Lands Department that the land under application comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without his prior approval. The lot owner was required to apply to his office for his approval to allow erection of any structure. The occupier would also need to apply to his office for occupation of the government land (GL) involved. LandsD might, acting in the capacity as landlord, approve such application

at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among other, the payment of premium or fees, as might be imposed by LandsD. The site was accessible to Ping Ha Road via an informal track on GL. Vehicular access required traversing through Government Land Allocation No. TYL825 granted to the Chief Engineer/Land Works, Civil Engineering Development Department for 'Ping Ha Road Improvement – Remaining Works'. His office did not provide maintenance works to the said GL nor guarantee right-of-way;

- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans. 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 for his consideration; and

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/742 Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years in "Undetermined" zone,
Lots 95 (Part), 96, 119 (Part), 154 (Part), 155, 156 (Part), 157 RP (Part) and 158 RP (Part) in D.D. 124 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/742)

Presentation and Question Sessions

86. 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 cargo handling and forwarding facility (logistics centre) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below :
 - (i) the applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone which was mainly temporary open storage yards. There was no known development programme for the site and the applied use would not frustrate the long-term permanent development within the “U” zone;
 - (ii) the development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that concerned government departments had no adverse comments on the application. The technical concern of the Chief Highway Engineer/New Territories West, Highway Department, the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services on provision of run-in/out, submission and implementation of tree preservation and landscape proposal, and fire service installations proposal could be addressed by imposing approval conditions;
 - (iii) the Director of Environmental Protection had no adverse comments on the application. To mitigate any potential environmental

impacts, approval conditions restricting the operation hours and stacking height of materials were recommended. The applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts on the surrounding areas; and

- (iv) the Committee had approved 4 previous applications (No. A/YL-HT/101, 190, 352 and 558) (as indicated in Plan A-1) for various temporary open storage uses since 1999. There had been no material change in the planning circumstances since the granting of the previous approvals. Approval of the subject application was in line with the Committee's previous decisions.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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) the existing drainage facilities implemented under the previous approved application No. A/YL-HT/558 should be maintained during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 5.2.2012;

- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.2.2012;
- (f) in relation to (e) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.5.2012;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.2.2012;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.5.2012;
- (i) the submission of water supplies for fire fighting 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 5.2.2012;
- (j) in relation to (i) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.5.2012;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

89. The Committee also agreed to advise the applicant the following :

- (a) prior planning permission should have been obtained before commencing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. Short Term Waiver No. 1948, 1950 and 2187 were granted respectively to Lots 119, 154 and 95 permitting structures in connection with the adjoining undertakings for storage and repair of container boxes (Lots 119 and 154) and workshop for vehicle dismantling and storage of scrap metal (Lot 95). No approval had been given for the four specified structures as temporary office, logistics warehouse, storeroom and toilet. The lot owner still needed to apply to his office to permit structures to be erected or regularize any irregularities on-site. The occupier was also required to apply to his office for occupation of the government land (GL) (2.7m²). If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by the LandsD. His office did not provide maintenance works for the GL nor guarantee right-of-way to the site from Tin Ha Road via the other private land and GL;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of

Environmental Protection to minimise the possible environmental impacts on the nearby sensitive receivers;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out at the access point at Ping Ha Road should be constructed in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. The applicant should provide adequate drainage measures to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The provision of emergency vehicular access (EVA) 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 the Building (Planning) Regulations (B(P)R) 41D; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances required. The applicant should remove the existing structures that apparently had not obtained approval under the BO. The structures for temporary office, godown, store room and toilet facilities were considered as temporary

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/743 Temporary Open Storage of Containers and Logistics Yard
for a Period of 3 Years in “Recreation” zone,
Lots 468 S.A (Part), 468 S.B (Part), 469 (Part), 470, 471, 472 (Part),
473, 474, 475 S.A (Part), 475 S.C (Part), 476 (Part), 477 S.A (Part),
477 S.B (Part), 477 S.C (Part), 479 (Part), 481 (Part), 482 S.A,
482 S.B, 483, 484, 485 S.A (Part), 485 S.B ss.1, 485 S.B ss.2 (Part),
486, 487 (Part), 488 (Part), 489 (Part) and 494 (Part) in D.D. 125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/743)

Presentation and Question Sessions

90. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Ltd. and LLA Consultancy Ltd., the consultants of the application. The Committee considered that the interest of Ms. Kwong in this item was indirect and Ms. Kwong could be allowed to stay in the meeting. Mr. Stephen M.W. Yip also declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. The Committee considered that the interest of Mr. Yip in this item was indirect and Mr. Yip could be allowed to stay in the meeting.

91. 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 and logistic yards for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no environmental complaint pertaining to the site were received in the past three years. According to the Environmental Assessment submitted by the applicant, there was a sensitive receiver (a village house) located at about 63m to the northwest of the site. According to the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’, it was considered environmentally undesirable and the mitigation measures proposed would unlikely be able to control the potential noise nuisance. As such, he did not support the application;
- (d) one public comment from Designing Hong Kong Limited (DHKL) was received during the statutory publication period. DHKL objected to the application as the open storage use on the site was a blight on the environment and was not in line with the planning intention of the “Recreation” (“REC”) zone. Should the Committee consider approving the application, a condition requiring the applicant to submit and implement quality landscaping and well-designed fencing along the periphery of the site should be imposed to mitigate the blight; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below :

- (i) although the site fell within an area zoned “REC”, there was not yet any programme/known intention to implement the zoned use. Approval of the application on a temporary basis would not frustrate the planning intention of the “REC” zone. Moreover, the applied use was not incompatible with the land uses in the adjoining “Open Storage” zone (as indicated in Plan A-2 of the Paper);

- (ii) although a previous application (No. A/YL-HT/408) for similar open storage use was rejected by the Board on review on 16.12.2005 (as indicated in Plan A-1), the slip road between Ha Tsuen Road and Kong Sham Western Highway was opened up to container vehicle traffic on 18.7.2008 (west-bound) and 28.11.2008 (east-bound) (as indicated in Plan A-1b of the Paper) and this infrastructure improvement provided new planning circumstances for consideration of the current application. Moreover, the applicant of the nearby container storage yard (approved under Application No. A/YL-HT/599) had formed a common access road for its own use and the use of the subject application site to cater for the safe movement of container vehicles, and erected a ‘Turn Right’ traffic sign at the junction to ensure that container vehicles would not turn left into Ha Tsuen Road upon leaving the site. In this regard, C for T had no comment on the application. Approval conditions prohibiting left turning of container vehicles into Ha Tsuen Road upon leaving the site, and stacking of containers within the container vehicle queuing area were recommended;

- (iii) the development was in line with the Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that concerned government departments, except DEP, had no adverse comments on the application. The technical concern of the Chief Engineer/Mainland North, Drainage Services Department, the Chief Town Planner/Urban Design and Landscape, PlanD and the Director of Fire Services on implementation of

drainage mitigation measures, submission and implementation of tree preservation and landscape proposal, and fire services installation proposal could be addressed by imposing approval conditions;

- (iv) although DEP did not support the application as there was a sensitive receiver in the vicinity of the site, there was no environmental complaint against the site in the past three years. To address DEP's concern, approval conditions restricting the operation hours, stacking of containers and left turning of container vehicles into Ha Tsuen Road upon leaving the site were recommended;
- (v) the Committee had recently approved similar applications (No. A/YL-HT/599, 603, 606, 621, 658 and 659) (as indicated in Plan A-1 of the Paper) for various temporary open storage and port back-up uses in vicinity of the site within the subject "REC" zone. Approval of the subject application was in line with the Committee's previous decisions; and
- (vi) regarding the public comment that the open storage use was a blight and was not in line with the planning intention, the applied use was temporary in nature and there were similar approved applications in the vicinity. Approval of the application would not frustrate the planning intention of the "REC" zone.

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 3 years until 5.8.2014, 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 from 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m from the boundary of the site during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 8 units during the planning approval period;
- (e) a fixed row of 3 units container stack along the northern boundary of the site, as proposed by the applicant, should be maintained at all times during the planning approval period;
- (f) no left turn of container vehicles into Ha Tsuen Road, as proposed by the applicant, upon leaving the site during the planning approval period;
- (g) no stacking of containers within the queuing area for container vehicles during the planning approval period;
- (h) the implementation of the drainage mitigation measures proposed in the Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.2.2012;
- (i) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 5.2.2012;
- (j) in relation to (i) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 5.5.2012;

- (k) the submission of 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 5.2.2012;
- (l) in relation to (k) above, the implementation of 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 5.5.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled

Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without his prior approval. Letter of Approval No. MT/LM7522 and MT/LM11130 were granted to allow for erection of agricultural structures on Lots 468 S.B and 476 respectively. Change of use of the site would cause a breach of the terms of the Letter of Approval. No approval had been given for the specified structures as logistics yards, two ancillary offices and a toilet. The lot owner still needed to apply to his office to permit structures to be erected or regularize any irregularities on-site. The occupier was also required to apply to his office for occupation of the government land (GL) (434m²). If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by LandsD. His office did not provide maintenance works for the GL nor guarantee right-of-way to the site from Ha Tsuen Road via a local track on other private land and GL;

- (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 minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office should not be responsible for the maintenance of any access connecting the site and Ha Tsuen Road;
- (g) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installation (FSIs) to his department for approval. In formulating

the FSIs proposal for the proposed structure, the applicant should make reference to the following requirements :

- (i) for open storage of non-combustibles or limited combustibles, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plan; and
 - (ii) for other storage, 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 plan;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works should circumstances required. The applicant should remove the existing structures that apparently had not obtained approval under the BO. The structures for temporary logistics yard, ancillary office and fixed containers were considered as temporary buildings which were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. 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 was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/534 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Agriculture” zone,
Lots 221 S.F – S.G RP (Part) and 221 S.H (Part) in D.D. 106,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/534)

Presentation and Question Sessions

95. Mr. C.K. Tsang, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were farming and fish-culture activities near the site and the site appeared to have good potential for agricultural rehabilitation.
- (d) one public comment from Designing Hong Kong Limited (DHKL) was received during the statutory publication period. DHKL objected to the application as the development was not in line with the planning intention of the area; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper, which were summarised below :

- (i) although the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application as the site had good potential for agricultural rehabilitation, it was considered that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purpose;
- (ii) the applied use was not incompatible with the surrounding land uses which were mainly residential structures, agricultural uses, and vacant/unused land with some village houses and storage uses. It would provide real estate agency service to serve the needs of the neighbouring residential developments. In view of its small scale and close proximity to Pat Heung Road, the environmental nuisance generated by the development to the nearby residential structures would unlikely be significant;
- (iii) relevant government departments consulted, except DAFC, had no adverse comment on the application. To minimise the possible environmental nuisance generated by the proposed development, approval condition restricting the operation hours was recommended. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to alleviate any potential environmental impact; and
- (iv) although there was a public comment against the application on the grounds that the development was not in line with the planning intention of the “AGR” zone. The development was considered not incompatible with the surrounding land uses and would not jeopardize the long-term planning intention of the “AGR” zone.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicular reversing in or out from the site to Pat Heung Road was allowed during the planning approval period;
- (c) the implementation of the accepted landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.2.2012;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.2.2012;
- (e) in relation to (d) above, the provision 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 5.5.2012;
- (f) the submission of a run-in proposal to/from Pat Heung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.2.2012;
- (g) in relation to (f) above, the provision of a run-in at Pat Heung Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 5.5.2012;
- (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 5.2.2012;

- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.5.2012;
- (j) the submission of proposal for diversion of the fire hydrant and water mains affected by the proposed development within 6 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.2.2012;
- (k) in relation to (j) above, the implementation of proposal for diversion of the fire hydrant and water mains affected by the proposed development within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 5.5.2012;
- (l) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (c), (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; and
- (n) 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.

98. The Committee also agreed to advise the applicant the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) to resolve any land issues relating to the development with the concerned owners of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was accessible via Government Land (GL) to Pat Heung Road. His office did not provide maintenance works on this GL nor guarantee right of way. The lot owner should apply to his office to permit any structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was granted, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that there were beam barriers in front of the site along Pat Heung Road, which might obstruct the proposed vehicular access to/from the site. The maintenance authorities should be consulted in advance for any revision on the arrangement of the beam barriers;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed vehicular access arrangement should be subject to the comment of the Transport Department and other relevant government departments. In case a run-in was approved by the relevant government departments, the applicant should observe that he should be responsible for the construction of run-in at his own cost to the satisfaction of relevant government departments. The run-in should be constructed at full width of the footpath of Pat Heung Road in accordance with HyD's Standard Drawing No. H1113B and H1114A. An Excavation Permit should be obtained from HyD prior to the commencement of excavation works on public road/footpath which were maintained by HyD. Besides, the applicant should ascertain that the utility services at the run-in location could sustain the construction traffic load. The applicant should ensure that surface water from the site would

not be discharged onto public road/footpath surface through the proposed run-in, and should clarify this issue with details for HyD's comment. Moreover, HyD was not/should not be responsible for the construction of the proposed vehicular access or the maintenance of any vehicular access connecting the site and Pat Heung Road;

- (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 Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact on the adjacent area. Regarding the drainage proposal, the size of the proposed catchpits should be shown. The applicant should check and demonstrate that the hydraulic capacities of the existing public u-channel and nullah would not be adversely affected by the development. The proposed catchpit at the northern part of the site should be provided at the intersection of the stormwater drains and its details should be shown on the drainage proposal;
- (h) to note the comments of the Director of Fire Services that in considering the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed structures, the applicant should observe the following requirements :
 - (i) for storages, open sheds or enclosed structure with a total floor area of less than 230m² and with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated

approved appliance should be provided as required by occupancy and should be clearly indicated on plans; and

- (ii) should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

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

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the 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 prior to establishing any structure within the site. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and

- (k) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the existing fire hydrant No. PH 5973 would be affected. The applicant should bear the costs of diversion of the fire hydrant and water mains affected by the proposed development.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/541 Temporary Open Storage of Forklifts for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 567 and 609 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/541)

Presentation and Question Sessions

99. Mr. C.K. Tsang, 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 forklifts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was no environmental complaint received in the past three years. However, he did not support the application as there were residential structures located to the immediate south and northeast and in the vicinity of the site, and environmental nuisance was expected;
- (d) two public comments from a Yuen Long District Councillor and the Village Affairs Committee of Ng Ka Tsuen were received during the statutory publication period. The commenters expressed concerns on the traffic and environmental impacts, including impacts on air quality, generated from the development to the surrounding areas. Besides, the District Officer (Yuen Long) advised that a local comment from a Yuen Long District Councillor was received. The comment was the same as the public comment submitted by the Yuen Long District Councillor during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of two years based on the assessments made in paragraph 12 of the Paper, which were summarised below :
- (i) the development was considered not incompatible with the surrounding areas which were mixed with open storage yards, workshops, warehouses and a parking lot for bus chassis and new coaches. A similar application (No. A/YL-KTS/527) located to the immediate east (as indicated in Plan A-2 of the Paper) submitted by the same applicant for the same temporary use was approved by the Committee recently on 4.3.2011 for a period of three years;
 - (ii) the current application was generally in line with the Town Planning Board Guidelines No. 13E for 'Application for Open Storage and Port Back-up Uses' in that the site was the subject of three previous applications (No. A/YL-KTS/312, 396 and 493) for the same use approved by the Committee/the Board since 2004 (as indicated in Plan A-1 of the Paper) and there were no adverse comment from the relevant departments, except DEP. As previous approvals had been granted, sympathetic consideration could be given to the current application;
 - (iii) although DEP did not support the application as there were residential dwellings in the vicinity of the site (as indicated in Plan A-2 of the Paper), no environmental complaint were received in the past three years. To address the concern of DEP, approval conditions restricting the operation hours and prohibiting cleansing, paint spraying and workshop activities were recommended. The applicant would also be advised 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' to alleviate any potential impact;

- (iv) although the previous application (No. A/YL-KTS/493) was revoked due to non-compliance with approval conditions related to submission and implementation of fire service installations, the applicant had complied with other approval conditions related to the maintenance of boundary fence, existing landscape plantings and drainage facilities on the site. Shorter compliance periods were recommended to monitor the progress for compliance with approval conditions;
- (v) a proposed development of ten houses to the further north of the site under Application No. A/YL-KTS/499 (as indicated in Plan A-1 of the Paper) was approved by the Committee on 17.6.2011. To gradually phase out the non-conforming industrial-related uses in the “Other Specified Uses” annotated “Rural Use” zone and noting that the validity of the adjoining application No. A/YL-KTS/527 submitted by the same applicant was up to 4.3.2014, a shorter approval period of two years was recommended; and
- (vi) regarding the local concern on the traffic and environment impacts of the development, the Commissioner for Transport had no comment on the application and approval conditions were recommended to mitigate possible environmental impacts.

100. A Member raised concern on the environmental impact of the development, in particular the transportation of forklift, to the residential structures and a kindergarten in the vicinity of the site. In response, Mr. C.K. Tsang said that according to the applicant, the forklifts stored on the site were transported by lorries. The main entrance located at the east of the site abutting Kam Sheung Road (as indicated in Plan A-2 of the Paper) was the main vehicular access. As the adjoining site for the same open storage use (approved under Application No. A/YL-KTS/527) was also submitted by the applicant, the emergency vehicular access would sometimes be used for the transportation. Lorries or heavy vehicles would not pass by the residential structures or the kindergarten.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 5.8.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities within the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.11.2011;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.11.2011;

- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.2.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

102. The Committee also agreed to advise the applicant 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 granted to monitor the situation in the area with a view to gradually phasing out the non-conforming industrial-related uses within the “Other Specified Uses” annotated “Rural Use” zone. Renewal of this permission would need to take into consideration of the prevalent planning circumstances, and favourable consideration might not be given should the continuation of open storage use at the site be found contradict with the surrounding uses;
- (c) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the

planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) to resolve any land issues relating to the development with the concerned owner of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structures as storage of forklifts. Modification of Tenancy (MOT) Nos. M20102 and M20162 for Lots 567 and 609RP respectively were granted to the owners permitting erection of agricultural structures. Should the use of these structures be found changed, this office would consider cancelling the MOT accordingly. The lot owner(s) still needed to apply to LandsD to permit any structure to be erected or regularize any irregularities on the 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;
- (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 Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Commissioner for Transport that there was an existing access track serving some inner lots to the south of the site. The applicant should not block or obstruct the existing access track;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting

the site and Kam Sheung Road;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that machinery and construction materials had been stored close to the trunk of existing trees, which was not desirable for healthy tree growth in long term. The applicant should keep the area under trees free of any storage of machinery and materials;
- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that there were mature trees adjacent to the site. The applicant should adopt good site practice to prevent damaging these trees during operation;
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage facilities should be maintained in good condition. The development should not cause any adverse drainage impact to the adjacent areas;
- (l) to note the comments of the Director of Fire Services that in considering the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, he was required to provide justifications to his department for consideration;
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the

Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/542 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lot 1564 RP in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/542)

Presentation and Question Sessions

103. Mr. C.K. Tsang, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – the Commissioner for Transport (C for T) advised that since the development would not provide parking space, he had no comment on the application from the traffic engineering point of view. As the subject lot was located at a sharp bend of the road, vehicular access abutting Kam Sheung Road from the subject lot should be prohibited;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper, which were summarised below :
 - (i) the development was considered not incompatible with the surrounding land uses, which were mainly residential structures/dwellings with a few scattered temporary uses and vacant/unused land. The development would provide real estate agency service to serve the needs of the neighbouring residential developments. In view of its small scale and frontage onto Kam Sheung Road, the environmental nuisance generated by the development would

unlikely be significant. Relevant departments consulted including the Director of Environmental Protection had no adverse comment on the application;

- (ii) although the “Village Type Development” (“V”) zone was primarily intended for Small house development, the District Lands Officer/Yuen Long, Lands Department had no objection to the application and advised that there was currently no small house application at the site. Approval of the application on a temporary basis for three years would not jeopardize the planning intention of the “V” zone;
- (iii) to minimise the possible nuisance generated by the development, approval condition restricting the operation hours was recommended. The applicant would also be advised to adopt the environmental mitigation measures in the ‘Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses’ to alleviate any potential environmental impact; and
- (iv) regarding the concern of C for T, approval conditions to prohibit the vehicular access abutting Kam Sheung Road from the site and parking of vehicles on the site were recommended.

104. A Member said that as the site was located at a sharp bend of the road (as indicated in Plan A-2 of the Paper), vehicles moving in and out of the site would generate road safety problem. Hence, close monitoring on the compliance of the approval condition to prohibit vehicular access abutting Kam Sheung Road from the site was necessary. In response, Mr. T. K. Choi said that visitors to the real estate agency could park their vehicles in the car parks in the vicinity of the site. Mr C.K. Tsang added that the road safety concern raised by C for T had been conveyed to the applicant. In this regards, the applicant had clarified in the supplementary document (Appendix Ib of the Paper) that no on-site parking spaces would be provided on the site. From a recent site visit, he noted that no vehicles were parked on the site. Mr. C.K. Tsang continued to point out that PlanD would closely monitor the situation. If the applicant failed to comply with the approval condition, the

planning permission would be revoked.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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 7:30 p.m. and 10:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicular access abutting Kam Sheung Road from the site was allowed at any time during the planning approval period;
- (c) no parking of vehicles, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.2.2012;
- (e) in relation to (d) 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 5.5.2012;
- (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 5.2.2012;
- (g) in relation to (f) above, the provision 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 5.5.2012;

- (h) the submission of 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 5.2.2012;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 5.5.2012;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

106. The Committee also agreed to advise the applicant the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure for container-converted office. The site was accessible via

government land (GL) from Kam Sheung Road. His office did not provide maintenance works on this GL nor guarantee right of way. The lot owner still needed to apply to LandsD to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as might be imposed by LandsD;

- (c) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the comment of the Director of Agriculture, Fisheries and Conservation that there were some trees adjacent to the site. The applicant should avoid damaging the trees during operation;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause any adverse drainage impact on the adjacent areas;
- (f) to note the comments of the Director of Fire Services that in considering the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The applicant and his contractors should observe the ‘Code of Practice on Working near Electricity Supplier Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/621 Proposed Utility Installation for Private Project
 (Electricity Package Substation) and Excavation of Land
 in “Village Type Development” zone,
 Lot 91 (Part) in D.D. 111, Shui Kan Shek, Pat Heung, Yuen Long
 (RNTPC Paper No. A/YL-PH/621)

Presentation and Question Sessions

107. Mr. C.K. Tsang, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows :
 - (i) the proposed electricity package substation was located in Shui Kan Shek village which was zoned “Village Type Development” (“V”). It would supply electricity to the Small Houses in the vicinity and

was an essential facility to serve the district; and

- (ii) the proposed electricity package substation was of a relatively small scale. It was considered not incompatible with the surrounding village type developments and would unlikely cause significant adverse environmental impact on the surrounding areas. Concerned government departments consulted, including the Director of Environmental Protection, the Director of Electrical and Mechanical Services and the Director of Health, had no adverse comments on the application; and
- (iii) to alleviate the potential landscape and visual impacts of the proposed electricity package substation, approval condition to require the applicant to submit and implement the landscape proposal was recommended. The technical concerns of the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services on the provision of drainage facilities and fire service installations could also be addressed by imposing approval conditions.

108. Members had no question on the application.

Deliberation Session

109. In response to a Member's enquiry, the Secretary said that according to the Notes of the Outline Zoning Plan for the subject "V" zone, excavation of land for public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works was always permitted. However, the current application was more than excavation of land for public works co-ordinated by the Government. It involved an electricity package substation which was a Column 2 use under the "V" zone, and hence planning permission from the Board was required.

110. The Secretary added that the visual impact of package station on the surrounding area was previously discussed by the Board. It was hence the Board's practice

to impose an approval condition for planning application for electricity package substation requiring the applicant to provide screen plantings to alleviate the landscape and visual impacts of the proposed structure. If the screen plantings needed to be implemented on government land adjoining the site, LandsD would consider granting a Short Term Tenancy to the applicant for using the government land for such purpose.

111. The same Member said that as the subject application was submitted by a construction company rather than by the China Light and Power Hong Kong Limited (CLP), there was a concern on the future management and maintenance of the proposed electricity package substation. In response, the Secretary said that CLP was responsible for the development of the electricity package substation for the subject application.

112. In response to the Chairman's enquiry on the land issues, Ms. Anita K.F. Lam said that the utility company was required to provide electricity to the public under relevant electricity supply regulations. It did not matter whether the electricity package substation was built on private land or government land, the utility company would be responsible for the maintenance of the equipments and utility facilities it installed. However, if the substation was built on private land, the consent from all the landowners for connecting other future village houses to the substation for electricity supply must be available.

113. The Committee noted that the Member's concern on the future management and maintenance of the proposed electricity package substation and consent from the landowners for connecting other village houses to the substation were land matters, which were outside the purview of the Board. Members agreed that the proposed electricity package substation could be supported as it was small in scale and compatible with its surrounding village type developments, and would not cause significant environmental and visual impacts on the surrounding areas. The Committee also agreed to convey the Member's concern on the land issues to LandsD for consideration.

114. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.8.2015, 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 landscape proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of water supplies for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

115. The Committee also agreed to advise the applicant the following :

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under application comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval from LandsD. A Short Term Waiver (STW) No. 3413 had been given for the purpose of electricity package substation on Lots 91 and 92 S.A for erection of a building with built-over area not exceeding 12.5m² and height not exceeding 3m. The site was accessible to Fan Kam Road through a local access road on government land and private land. LandsD did not provide maintenance works to the track nor guarantee right-of-way. The registered owner of the lots should apply for modification of the STW No. 3413. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such modification was approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of 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. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicant should observe the requirements on provision of emergency vehicular access (EVA) to all the buildings under B(P)R 41D;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. The provision of EVA at 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 the B(P)R 41D;
- (f) to note the comments of the Director of Health that according to the World Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With the compliance with the guidelines, exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to the workers and the public. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities

and exploration of low-cost ways of reducing exposures when constructing new facilities. Moreover, upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services; and

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices during construction to prevent discharging run-offs into the nearby watercourses should be adopted.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/541 Temporary Warehouse for Storage of Exhibition Materials
for a Period of 3 Years in “Undetermined” zone,
Lots 777 (Part) and 778 (Part) in D.D. 119 and
Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/541)

Presentation and Question Sessions

116. Mr. C.K. Tsang, 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 exhibition materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no environmental complaint concerning the site were received

in the past three years. However, in accordance with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, he did not support the application as there were residential uses to the immediate south and in the vicinity of the site, and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper, which were summarised below :
 - (i) the development was not in conflict with the planning intention of the “Undetermined” zone and 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 in the “U” zone, approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) although DEP did not support the application, the development was for storage purpose mainly in an enclosed warehouse structure and no environmental complaint was received in the past three years. The development would unlikely generate significant environmental impact on the surrounding areas. To address DEP’s concerns, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of medium and heavy goods vehicles were recommended;
 - (iii) other government departments consulted had no adverse comments on the application. The technical concerns of the Chief Town

Planner Urban Design and Landscape (CTP/UD&L, PlanD), the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services on implementation of the accepted landscape proposal, submission and implementation of the drainage and fire service installations proposals could be addressed by imposing approval conditions; and

- (iv) the planning approval for the previous application (No. A/YL-TYST/255) (as indicated in Plan A-1 of the Paper) submitted by the same applicant for similar warehouse use was revoked due to non-compliance with approval conditions. In the current application, the applicant had submitted landscape and drainage proposals and the landscape proposal was considered acceptable by CTP/UD&L, PlanD. To closely monitor the progress on compliance with the approval conditions, shorter compliance periods were proposed.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.8.2014, 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 11:00 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 repairing, dismantling, spraying, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at

any time during the planning approval period;

- (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) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.11.2011;
- (f) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.11.2011;
- (g) in relation to (f) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.2.2012;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.11.2011;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.2.2012;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (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.

119. The Committee also agreed to advise the applicant the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods were granted to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner and occupier of government land 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 a long stretch of informal village track on government land (GL) and other private land extended from Kung Um Road. His office provided no maintenance works for this track nor guarantees right-of-way. Part of the GL had been granted with Government Land Allocation for the

project, 'Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)' managed by the Drainage Services Department;

- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the size of the proposed catchpits should be shown on the drainage proposal. The applicant should check the hydraulic capacity of the natural stream to ensure that the natural stream would not be adversely affected by the development. The discharge point and the connection arrangement to the natural stream should also be shown on the drainage proposal. DLO/YL, LandsD and the relevant lot owners should be consulted as regard all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;
- (j) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (k) to note the comments of the Director of Fire Services that in considering the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should 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 FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant should provide justifications to his department for consideration;

- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the unauthorized structures on-site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access to all buildings under B(P)R 41D; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 applicant and his contractors should observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-PS/348 Filling of Land for Plant Nursery and Ancillary Track for Agricultural Vehicles in “Green Belt” zone,
Lots 1454 RP (Part), 1457 (Part), 1458 (Part), 1461 (Part), 1462 (Part), 1569 (Part), 1592 (Part), 1593, 1594, 1595 (Part), 1596 (Part), 1598 (Part), 1599 (Part), 1600 (Part), 1602 (Part), 1603 (Part), 1604 (Part), 1605 (Part), 1610 (Part), 1611 (Part), 1612 (Part), 1615 RP (Part), 1616 RP (Part), 1617 (Part), 1618 (Part), 1619 (Part), 1620 (Part), 1623 (Part), 1624, 1625, 1626 RP (Part), 1627 (Part), 1628 (Part), and 1642 (Part) in D.D. 124, Tin Sum, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-PS/348)

120. The Secretary reported that on 19.7.2011, the applicant’s representatives requested for a deferment of the consideration of the application for two months to allow sufficient time for the applicant to prepare further information in addressing the issues raised by government departments.

121. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. C.K. Tsang, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Kan, Fung and Tsang left the meeting at this point.]

Agenda Item 36

Any Other Business

122. There being no other business, the meeting closed at 4:25 p.m..