

TOWN PLANNING BOARD

**Minutes of 464th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 4.5.2012**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Ir. Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ir. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. W.C. Luk

Chief Engineer (Works), Home Affairs Department
Mr. Frankie W.P. Chou

Assistant Director (Environmental 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. Rock C.N. Chen

Professor K.C. Chau

Dr. C. P. Lau

In Attendance

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

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

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 463rd RNTPC Meeting held on 20.4.2012

[Open Meeting]

1. The draft minutes of the 463rd RNTPC meeting held on 20.4.2012 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

[Miss Erica S.M. Wong and Mr. C.T. Lau, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CLK/5 Proposed Minor Relaxation of Building Height Restriction from 15mPD to 20mPD for permitted “Public Utility Installation” Use (i.e. Electricity Substation) in “Other Specified Uses” annotated “Boundary Crossing Facilities” zone, Hong Kong Boundary Crossing Facilities at Chek Lap Kok (under Reclamation)
(RNTPC Paper No. A/I-CLK/5)

Presentation and Question Sessions

3. The Secretary reported that Mr. Ivan Fu and Ir. Janice Lai had declared an interest in this application as they had current business dealings with AECOM Asia Co. Ltd., the consultant of the application. As Mr. Fu and Ir. Lai had no direct involvement in the subject application, Members agreed that Mr. Fu could be allowed to stay in the meeting and noted that Ir. Lai had not arrived at the meeting yet.

[Ms. Anita Ma arrived at the meeting at this point.]

4. Miss Erica S.M. Wong informed that meeting that replacement pages No. 7 and 8 with revisions on paragraphs 10.1 were tabled at the meeting, and then proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of building height restriction from 15mPD to 20mPD for permitted “Public Utility Installation” Use (i.e. Electricity Substation);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) one public comment from a District Council Member expressed support to the application was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 10 of the Paper. The public comment in support of the application was noted.

5. Members had no question on the application.

[Ir. Janice Lai arrived at the meeting at this point.]

Deliberation Session

6. 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 4.5.2016, 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 a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the application for private treaty grant, if approved by LandsD acting in its capacity as the landlord at its discretion, would be subject to such terms and conditions, including the payment of premium/fee as appropriate, as imposed by LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that any proposed building works would be submitted for approval under the Buildings Ordinance;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that vertical greening and roof greening were recommended; and
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing

authority. The Emergency Vehicular Access provision at the Site should comply with the standards as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings under the Building (Planning) Regulation 41D.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/20 Proposed Temporary Open Storage of Recycling Materials (including Scrap Plastic, Paper and Metals) with Ancillary Paper Compacting Workshop for a Period of 3 Years in “Government, Institution or Community” zone, Government Land near D.D. 4 Mui Wo, Ngan Kwong Wan Road, Mui Wo, Lantau Island (near Mui Wo Fire Station)
(RNTPC Paper No. A/I-MWF/20)

Presentation and Question Sessions

8. Mr. C.T. Lau, STP/SKIs, informed the meeting that there were two editorial errors in the paper as follows:

- (i) paragraph 10.1 – the dates as shown in the first and third lines of the paragraph should read as “**16.3.2012**” and “**10.4.2012**”; and

- (ii) paragraph 12.1(b) – the last sentence should read as “The development was also not compatible with the residential uses located to its east and **southeast** and in the vicinity and with the rural character of the area; and”;

9. Mr. Lau then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary open storage of recycling materials (including scrap plastic, paper and metals) with ancillary paper compacting workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper;
 - (i) Director of Environmental Protection (DEP) advised that all direct application for STT site for recycling uses required policy support from the relevant policy bureau, usually as the first step of the process. In this regard, EPD had given initial policy support in a reply to the STT application on 27.5.2009. However, it should be noted that EPD's reply was merely for giving such support in response to LandsD's request. It should be noted that EPD's support did not constitute any implications on assessing whether the Site would be suitable for such use, which would involve other land use considerations such as environmental, traffic and political assessment, planning requirements, etc. These issues should be dealt with in accordance with the government usual procedures. Such arrangement applied to other STT Sites granted through open tendering instead of direct application (where a separate policy support was only required for the latter case). DEP also advised that in accordance with the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (the revised "Code of Practice"), the application was not supported as it was located in close proximity to Ngan Wan Estate (within 100m) and should the proposed facility result in generation of heavy vehicle traffic, the proposed use was considered environmentally undesirable as it might result in nuisance to nearby residents and along the vehicular access (i.e. Ngan Kwong Wan Road);
 - (ii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation to the application

from the landscape planning perspective as the proposed temporary development was not compatible with the surrounding landscape;

- (iii) Director of Housing (D of Housing) objected to the application as the Property Management Company of Ngan Wan Estate and the Estate Management Division of Housing Department had sought views from the members of the Estate Management Advisory Committee (EMAC) on the proposed development and it was commented that the proposed development was in close proximity to the LPG store of Ngan Wan Estate which might pose fire danger to the store, the bad smell and noise might become a nuisance to the residents of Ngan Wan Estate; and the transportation of the recycling materials by heavy vehicles might create traffic problem along Ngan Kwong Wan Road;
 - (iv) District Officer (Islands), Home Affairs Department (DO(Is), HAD) advised that an objection letter from a local kindergarten against the application had been received which raised concern that the applied use would cause the noise, air pollution, hygiene and traffic safety issues to the surrounding area although they believe there was a need in the area for a recycling depot;
- (d) 13 public comments were received during the first three weeks of the statutory publication period. One public comment submitted by an Islands District Council (IsDC) Member supported the application in that the applied use would encourage the recycling and reuse of the scrap materials. That IsDC Member also reminded the applicant to minimize any nuisance caused to the local residents. The remaining 12 public comments were submitted by members of general public and local residents. All of them objected to the application as the location of the proposed development was in the close proximity of the Ngan Wan Estate and other local community facilities although recycling industry was supported. They also raised concerns on hygiene and environmental degradation, noise, river pollution, public health, traffic safety, fire safety and visual impact;

and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The applied use was considered not in line with the planning intention of “G/IC” zone. No strong planning justification given in the submission to justify a departure from the planning intention, even on a temporary basis. The site was in close proximity to Ngan Wan Estate which was about 60m to the east and the land uses in the vicinity was a typical urban fringe area with green surroundings in Mui Wo. No strong justification had been given in the submission regarding the location selection for the development. DEP did not support the application as the proposed development would cause environmental nuisance to the sensitive receivers to its immediate east and in the vicinity as the proposed development would generate heavy vehicle traffic. D of Housing also objected to the application. Also, the applicant had not included any technical assessment/proposal nor mitigation measures to alleviate the adverse impact in the submission to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding area. CTP/UD&L of PlanD had reservation on the application as the development was not compatible with the surrounding landscape. The 12 objections received from the general public and the objection from a local kindergarten received by DO(Is) were noted. As to the supporting public comment received, it should be noted that there were adverse departmental comments including DEP who did not support the application in accordance with the revised “Code of Practice” and environmental nuisance was expected in generation of heavy vehicle traffic from the proposed development.

10. Members had no question on the application.

Deliberation Session

11. In response to the Chairman's query, Mr. H. M. Wong said that EPD was in support of the recycling industry as it had a positive contribution to Hong Kong. However,

the site under application was in close proximity to residential development and hence was considered not suitable for the applied use. If a site further away from the residential development was identified, he might render his support.

12. The Vice-Chairman asked whether the proposed development would be acceptable if it was not open towards Ngan Wan Estate, and measures were introduced to tidy up the area surrounding the development. Mr. Wong said that according to current “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”), the proposed facility had to be located away from residential development for a minimum distance and the access to the proposed facility should also be away from the road near the residential development to avoid possible traffic nuisance. Mr. Wong said that the applicant should consider finding another location which would meet the “Code of Practice” as set out by EPD. He said that though EPD might help identify suitable site, the applicant might not be able to lease the concerned land for the purpose. The Vice-Chairman said that the recycling facilities should be located near the residential development so as to facilitate collection of recycling materials from the residents nearby. Mr. Wong explained that EPD’s concern was not so much on the proximity of recycling materials collection points to residential development, but to workshop for processing of the recycling materials included in the proposed development which would cause adverse environmental impacts to the surrounding areas.

13. The Chairman concluded that the application was not supported in view of the potential environmental and landscape impacts on the surrounding areas and suggest the DPO to advise the applicant to find a suitable site for the applied use.

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

- (a) the development was not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which was primarily for the provision of Government, institution or community facilities serving the needs of the local residents and a wider district. No strong planning justification had been given in the submission to justify a

departure from the planning intention, even on a temporary basis;

- (b) no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the residential uses located to its immediate east and southeast and in the vicinity and with the rural character of the area; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications in the “G/IC” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[The Chairman thanked Miss Erica S.M. Wong and Mr. C.T. Lau, STPs/SKIs, for their attendance to answer Members’ enquires. Miss Wong and Mr. Lau left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Doris S.Y. Ting and Mr. Edward W.M. Lo, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/FSS/208

Proposed Shop and Services and Eating Place (in Wholesale Conversion of an Existing Industrial Building only) in “Industrial” zone, No. 21 Po Wan Road, Sheung Shui
(RNTPC Paper No. A/FSS/208A)

15. The Secretary reported that on 2.5.2012, the applicant requested the Board to further defer making a decision on the application for one month in order to allow time to address further queries received from transport Department.

16. 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 a further period of 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.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/FSS/210 Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted Commercial/Residential Development in “Commercial/Residential (3)” zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling, New Territories (FSSTL 177)
(RNTPC Paper No. A/FSS/210)

17. The Secretary reported that on 27.4.2012, the applicant requested the Board to further defer making a decision on the application for one month in order to allow time to resolve comments from concerned government departments.

18. 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/153 Temporary Container Vehicle Park with Ancillary Office and Workshop (including Fuel Filling Facilities) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 1941 S.A (Part), 1941 RP (Part) and 2054 (Part) in D.D. 95 and Adjoining Government Land, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/153)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary container vehicle park with ancillary office and workshop (including fuel filling facilities) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. District Officer/North, Home Affairs Department (DO/N, HAD) advised that the Chairman of Sheung Shui District Rural Committee, Vice-chairman of North District Council, Residents Representative (RR) of Kwu Tung (South) and RR of Kwu Tung (North) objected to the application mainly on traffic and pedestrian safety, noise and adverse environmental impacts. Other government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the first three weeks of the statutory publication period. A North District Council member did not expressed specific comment on the application but hoped the nearby residents would be consulted as far as possible. Another objection from a general public opposed the application on grounds that the fuel filling facilities might generate bad smell to the nearby elderly home and the development was not in line with the surrounding area and could not be tolerated even though it was temporary development; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 12 of the Paper. To address DEP's concern, relevant approval conditions on restrictions of operation hours for the workshop activities and the maintenance of existing solid boundary fence were recommended. Moreover, the applicant would be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the potential environmental impacts on the adjacent area. For the local objections on traffic, pedestrian safety, adverse environmental impacts and potential danger to the nearby residents, it should be noted that concerned departments had no adverse comment on the application. Relevant approval conditions and advisory clauses were recommended to address the environmental concerns raised by the locals. Since the last approval under application No. A/NE-KTN/128 was revoked on 1.8.2010 for failure to comply with relevant approval conditions, a shorter compliance period was also proposed to monitor the progress of compliance should the Committee approve the application. Moreover, the applicant would be advised that should he failed to comply with approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any future application.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 8:00 a.m. for the workshops and fuel filling facilities as proposed by the applicant was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays for the workshops and fuel filling facilities as proposed by the applicant was allowed on the application site during the planning approval period;
- (c) to maintain the existing drainage facilities properly and rectify the facilities if they were found inadequate/ineffective during operation during the planning approval period;
- (d) to maintain the existing solid boundary wall on the application site during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site as previously implemented on the same site under the planning application No. A/NE-KTN/128 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.8.2012;
- (f) the submission and implementation of fire service installations and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2012;
- (g) the submission and implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB 4.11.2012;

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

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note that shorter compliance periods were granted in order to closely monitor the progress of compliance;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note the advice of District Lands Officer/North, Lands Department that:
 - (i) the occupation of Government land should be ceased. Otherwise, land control action would be taken; and
 - (ii) the owners of the lots should apply for a Short Term Waiver for the regularization of the structures erected;

- (f) to note the advice of Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures were erected on leased land without approval of BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for UBW erected on leased land, according to his office record, enforcement action would be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO; and
 - (iv) the temporary converted containers for office /guardroom, workshops, etc. and open shed were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII;
- (g) to note the comments of Director of Fire Services that:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed Short Term Tenancy site, fire service installations (FSIs) would need to be installed;

- (ii) in such circumstance, except where building plan was circulated to the Centralized Processing System of BD, the tenant was required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (iii) detailed fire safety requirements would be formulated upon receipt of formal submissions of the aforesaid plans. The applicant would need to subsequently provide such FSIs according to the approved proposal; and
- (iv) for the proposed fuel filling facilities, the applicant was reminded to observe and comply relevant Ordinances/Regulation, Section 6(1) of Dangerous Goods Ordinance and Section 99A(1) of Dangerous Goods (General) Regulations;
- (h) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) 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; and

- (ii) the site was located within WSD flooding pumping gathering ground;
- (i) to note the comments of Director of Agriculture, Fisheries and Conservation that the applicant should be advised to avoid disturbing any trees growing in the vicinity of the application site;
- (j) to note the comments of Chief Town Planner/Urban Design & Landscape, Planning Department on replacing the damaged tree and missing trees. In addition, protective measures should be provided to avoid trees being damaged by vehicles; and
- (k) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/MOS/90 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government Land in D.D.167, Sai O Village, Sai
Kung North
(RNTPC Paper No. A/MOS/90)

23. The Secretary reported that on 26.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address concerned government department’s comment regarding the impact on the trees nearby.

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 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 9

Section 16 Application

[Open Meeting]

A/NE-KLH/438 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 858 S.B ss.1 in D.D.9, Yuen Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/438)

25. The Secretary reported that on 2.5.2012, the applicant submitted further information by providing a sewerage connection proposal in response to the tentative sewerage network provided by the Drainage Services Department on 30.4.2012. As the submitted information involved technical issue on drainage proposal and was received two days before the meeting, there was insufficient time for relevant departments to provide their further comments. Since the departmental comments would be relevant to the consideration of the application, Planning Department requested the consideration of the subject application be deferred to the meeting on 1.6.2012.

26. After deliberation, the Committee decided to defer a decision on the application as requested by Planning Department. The Committee agreed that the application should be submitted for its consideration on 1.6.2012. No further deferment would be granted unless under very special circumstances.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/NE-LT/452 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1204 S.B ss.6 and 1204 S.B ss.9 in D.D 19, Lam Tsuen San Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/452)

27. The Secretary reported that on 24.4.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow time to obtain owner(s)’ consent for drainage connection.

28. 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.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/389 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Government Land in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/389)

Presentation and Question Sessions

29. Mr. Edward W.M. Lo, 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 – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the ‘VE’ of Shan Liu. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect Water Gathering Ground (WGG) and outside the “V” zone and ‘VE’ of Shan Liu. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. The site was separated from the built up area and was vacant with no significant vegetation. Signs of recent vegetation clearance and land formation within and surrounding the site were noted. These disturbances had already disrupted the high value landscape resources in the area, leaving unattractive scars therein. The approval of the application would result in urban sprawl and further degradation of landscape quality;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. DLO/TP, LandsD did not support the application as the proposed development did not comply with the Interim Criteria in that the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. CE/Dev(2), WSD objected to the application as the site was

located within the lower indirect WGG and outside the “V” zone and ‘VE’ of Shan Liu. The CTP/UD&L, PlanD also objected to the application from landscape planning point of view and raised concern that approval of the application would set an undesirable precedent to other similar Small House applications within “GB” zone resulting in urban sprawl and further degradation of landscape quality. The site was the subject of two previous applications No. A/NE-TK/329 and 354 for NTEH/Small House development which were rejected by the Board on review and the Committee on 23.12.2011 and 20.5.2011 respectively for the same considerations. There was largely no difference in planning circumstances and also no strong planning justifications in the submission to warrant a departure of the Committee/ Board’s previous decisions in not approving the applications.

Deliberation Session

30. By referring to the site photo at Plan A-3, the Chairman noted that there were clearance of vegetation and site formation at the application site and its surrounding areas and asked if the application site could be re-instated. Mr. Edward Lo said that the subject site was located on government land and there were drainage services works being carried out in the surrounding areas. The Chairman asked if rejection reason (a) was appropriate as there were no natural features found in the application site. The Secretary said that the application should be assessed against the planning intention of the relevant land use zoning on the OZP. As the application site fell within “GB” zone, the proposed development was considered not in line with the planning intention of “GB” zone. She said that if the planning intention was considered not appropriate for a particular area, it would be more appropriate to amend its zoning on the OZP. However, further study would be required to determine whether the “GB” zoning of the application site was appropriate or not. Mr. Lo said that the “V” zone of Shan Liu Village was under review, taking into account the demand of Small Houses of the villages, the constraint of the Water Gathering Ground (WGG) as well as the topography of the area.

[Ms. Anita Lam arrived at the meeting at this point.]

31. The Secretary told Members that one of the reasons why the Board had adopted

the approach to deter “Destroy First and Build Later” activities during its meeting held on 24.6.2011 was arisen from a case of massive site clearance and formation in Shan Liu Village. The Secretary said that the “V” zone in Shan Liu Village would be further reviewed, as agreed by the Committee in a previous meeting and DPO/STN had been liaising with local villagers on area suitable for village development. Another Member asked if the planning intention of “defining the limits of urban and sub-urban development areas by natural features” as mentioned in rejection reason (a) was relevant, since the application site had been cleared of vegetation. In response, Mr. Lo said that the planning intention for “GB” zone did not only cover the application site but other areas within the Ting Kok OZP. The Secretary added that the planning intention of the “GB” zone formed part of the Notes of the OZP and it was not appropriate to change the wording.

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the ‘environs’ of any recognised villages;
- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/516 Proposed 2 Houses (Redevelopment) in “Green Belt” zone, Lot 2087 in
D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/516)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) two proposed houses (redevelopment);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application. He advised that given the standard height restriction for NTEHs was 8.23m and some of them were not served by EVA but were able to provide with the necessary fire safety alternatives, the argument on lack of EVA put forward by the applicant to support higher headroom for the subject lot to provide automatic sprinkler system was therefore not soundly justified. Besides, the approval for minor relaxation of height restriction for this application would set an undesirable precedent for similar applications in future. He also advised that once the proposed building height exceeded 8.23m, the standard set of conditions for NTEHs was no longer applicable for the subject lot upon lease modification and any proposed buildings within the lot would then be subject to full compliance of the Buildings Ordinance and hence, all balconies provided within the lot would be countable for GFA and ROA calculations under lease unless they were exempted by the

Building Authority under the Buildings Ordinance and the proposed development might also be in breach of the maximum GFA and maximum ROA restrictions under the lease. Other government departments had no objection to or adverse comment on the application;

- (d) 23 public comments from individual residents including one from the VR of Shek Uk Tsai and 21 from the Pun Chun Yuen area via a standard letter were received during the first three weeks of the statutory publication period. One commenter pointed out that construction works had been on-going at the subject site since 2009. All the other commenters indicated that while they had no objection to the redevelopment of houses, they objected to the development of a columbarium at the site.; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the paper. It should be noted that DLO/TP did not support the application and advised that as the standard set of conditions for NTEHs was no longer applicable for the subject lot upon lease modification, all balconies/canopies provided within the lot (i.e. 32m² exempted from GFA calculation under the lease under standard conditions of NTEH) would be countable for GFA and ROA calculations under the lease unless they were exempted by the Building Authority under the Buildings Ordinance. He further advised that the approval for minor relaxation of height restriction for this application would set an undesirable precedent for similar applications in future and there was no guarantee that the required lease modification would eventually be approved by the government. However, it was a land administrative matter to be dealt with at the application for lease modification stage. Regarding the concerns of the public commenters on the development of a columbarium at the subject site, the proposed development was for the redevelopment of 2 houses with a swimming pool and garden.

34. In response to a Member's enquiry on the possibility of the proposed development being used as a columbarium as alleged by a public commenter, Mr. Lo said

that the proposed development under application was for the redevelopment of two houses with a swimming pool and garden and there was no indication that it would be redeveloped as a columbarium.

Deliberation Session

35. In response to the Chairman's enquiry, Ms. Anita Lam said that the approval of the planning application should be independent from the processing of the lease modification, and whether the application for lease modification would be approved would be subject to the comments of relevant government departments. However, the applicant should be aware that if the lease modification for the proposed development was approved, it would not be an NTEH and the proposed development would need to fully comply with the Buildings Ordinance.

36. 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 4.5.2016, 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 and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (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.

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

- (a) to note the comments of the District Lands Officer/Tai Po that the proposed two 3-storey houses with a height of 9m and encroaching upon the pink hatched black area of the lot were found in breach of the lease conditions.

Should the application be approved by the TPB, lease modification was required for implementation of the proposal subject to payment of administrative fee and premium. However, there was no guarantee that the required lease modification would eventually be approved by the government;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drainage and sewerage systems were not available for connection in the vicinity of the subject lot. The applicant was required to maintain the drainage system properly, to rectify the system if it was found to be inadequate, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and the proposed sewer drain connection to nearby stream course from the future sewer terminal manhole was not acceptable. Environmental Protection Department should be consulted on the acceptability of the proposed septic tank and soakaway pit, and the requirements on sewage treatment and disposal;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department (BD); detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and in view of the fact that the site fell within the consultation zone of a PHI, the applicant should observe the guidelines as stipulated in Section 4, Chapter 12 of the Hong Kong Planning Standards and Guidelines;
- (d) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impact to the mature trees including a *Cinnamomum camphora* at the western corner and the a *Ficus microcarpa* at the northern corner of the site;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD in paragraph 9.1.10 of the RNTPC Paper; and

- (f) to note the comments of the Director of Electrical and Mechanical Services in paragraph 9.1.11 of the RNTPC Paper.

[The Chairman thanked Ms. Doris S.Y. Ting and Mr. Edward W.M. Lo, STPs/STN, for their attendance to answer Members' enquires. Ms. Ting and Mr. Lo left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. W. W. Chan (DPO/TMYL), Mr. K.C. Kan and Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 13

Section 12A Application

[Open Meeting]

Y/YL-PN/4 Application for Amendment to the Approved Sheung Pak Nai & Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9 from "Coastal Protection Area" to "Other Specified Uses" annotated "Columbarium" in Lot No. 118 in D.D.135 and Adjoining Government Land, Ha Pak Nai, Yuen Long
(RNTPC Paper No. Y/YL-PN/4)

38. The Secretary reported that on 25.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address the comments from Transport Department (TD), including carrying out of analyses on manual traffic and pedestrian survey data of Sai Lam Temple collected during Ching Ming Festival in April 2012. The Secretary also reported that as the applicant had already carried out the manual traffic and pedestrian survey as requested by TD, one month instead of two months was considered appropriate as the application was submitted six months ago.

39. 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 as soon as comments from concerned departments on the further information were received, and in any case, not later than three 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.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/TM-LTY Y/221 Proposed Flat Development in “Residential (Group E)” zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/221B)

40. The Secretary reported that on 19.4.2012, the applicant requested the Board to defer making a decision on the application for one month in order to allow time to respond to departmental comments.

41. 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.

Agenda Item 15

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/158-4 Proposed Comprehensive Residential Development (Proposed Class B Amendments to approved Master Layout Plan) in “Comprehensive Development Area” zone, Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and 2527 S.F in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/158-4)

Presentation and Question Sessions

42. The Secretary reported that Mr. Ivan Fu and Ir. Janice Lai had declared an interest in this application as they had current business dealings with Henderson Land Development Co. Ltd., which owned the applicant’s company. As their interests were direct, the Committee agreed that Mr. Fu and Ir. Lai should be invited to leave the meeting temporarily for this item.

[Mr. Ivan Fu and Ir. Janice Lai left the meeting temporarily at this point.]

43. 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 amendments to approved Master Layout Plan for comprehensive residential development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD) advised that 8 public comments from 7 commenters was received on the application. One comment expressed concerns that the descendents of the Leung clan at Sun Fung Wai should be

respected to avoid unpleasant events. The other 7 comments objected/strongly objected to the application on environment, hygiene, “fung shui”, traffic aspects as well as expressed concerns on the development of To Yuen Wai. Other government departments had no objection to or adverse comment on the application;

- (d) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11 of the Paper. The local concerns on the proposed development on “fung shui” grounds had been considered by the Committee in granting the previous planning permissions under Applications No. A/DPA/TM-LTYYY/111, A/TM-LTYYY/109 and A/TM-LTYYY/119 on 29.11.1996, 19.9.2003 and 17.12.2004 respectively. The existing grave at the northeast of the proposed residential development would be retained beside the POS and the VO. To address the local concerns, the applicants were advised to liaise with the locals concerned.

44. Members had no question on the application.

[Dr. W. K. Lo left the meeting temporarily at this point.]

Deliberation Session

45. In response to the Chairman’s enquiry, Mr. K. C. Kan explained to Members the application received under s.16A of the Town Planning Ordinance (TPO) and the procedures involved in handling such applications. He said that where a planning permission was granted under section 16, 17 or 17B of the Town Planning Ordinance, amendments to the approved development proposals were provided under s.16 of the TPO in order facilitate changes arising from the detailed design and implementation of the proposal. According to the “Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals” (TPB PG-No. 36A), amendments were classified as Class A or Class B amendments. There were a total of 20 categories covering aspects such as gross floor area, site area, building height, site coverage, mix of use, as well as provision of open space, recreational facilities, car parking and extension of time, etc. He said that changes falling within Class A amendments did not require further application to the Board. However,

Class B amendments were subject to the approval of the Board upon application made under s.16A(2) of the TPO. Mr. Kan said that although the Board had delegated its authority to the Director of Planning to consider planning applications for Class B amendments to an approved scheme as specified in TPB PG-No. 36A, application for Class B amendments which was considered unacceptable by concerned government departments would need to be submitted to the Board for consideration. Mr. Kan said that for the subject application, as DO(TM), HAD advised that there were local objections on the application, the application was submitted to the Board for consideration.

46. After further deliberation, the Committee decided to approve the application and the Master Layout Plan (MLP) under sections 16A(2) and 4A of the Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b), (c), (e), (f) ,(g) and (h) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of vehicular and pedestrian access to the site as well as parking and loading/unloading spaces to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the submission of a drainage impact assessment and the provision of drainage facilities and flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations for the proposed development to the satisfaction of the Director of Fire Services or of the TPB;

- (f) the provision of public open space, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the provision of vehicular and pedestrian access to Lot 1036 in D.D.130 to the satisfaction of the Director of Lands or of the TPB;
- (h) the submission of safety evaluation/risk assessment related to a high pressure gas pipeline and implementation of the mitigation measures identified therein to the satisfaction of the Director of Electrical and Mechanical Services or of the TPB; and
- (i) the setting back of the site boundary along Fuk Hang Tsuen Road for future road widening to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) to revise the MLP to take into account the conditions of approval imposed by the Committee. The approved MLP, together with the set of approval conditions, would be certified by the Chairman of the Committee and deposited in the Land Registry in accordance with section 4(A)(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) that the gross floor area (GFA) of the proposed development would need to be adjusted to correspond to any reduction in development site area to comply with the maximum plot ratio restriction of the subject “Comprehensive Development Area” zone;
- (c) that the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development would be approved/granted

by the Building Authority. The applicants should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (d) to note the comments of District Lands Officer/Tuen Mun, Lands Department at Appendix IV of the RNTPC Paper;
- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that the pedestrian access, the 2m right of way to village office and the set back area along Fuk Hang Tsuen Lane for pedestrian passageway should be excluded from site area for plot ratio and site coverage calculation under the Buildings Ordinance. The applicant was reminded to demonstrate that the provision of natural lighting and ventilation for bedrooms 1 and 2 of Flat C & D of Block 1 comply with Building (Planning) Regulations 30 & 31. The non-accountable and exempted GFA would be examined based on the overall use and purposes of the features. In general, non-mandatory/non-essential plant rooms and green/amenity features should be under the 10% cap in accordance with the Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP-151 if the Sustainable Building Design Guidelines in PNAP APP-152 was complied with. The total non-accountable GFA would be further examined during the building plans submission stage. Caretaker's quarters should be accountable for GFA;
- (f) to note the previous comments of Commissioner for Transport that the applicants should clarify the nature and the management/maintenance responsibility of the proposed "public footpaths" within the site; and current comments that the location of the gate houses for the revised scheme was not shown. The location of the drop bars must be carefully considered to avoid tailing back of vehicles on Fuk Hang Tsuen Road or Fuk Hang Tsuen Lane waiting to enter the premises. He agreed in principle

that the section of Fuk Hang Tsuen Road outside the project boundary of the Widening of Fuk Hang Tsuen Road, which was only of width of about 6m, would require upgrading as well to cope with the future traffic flow;

- (g) to note the comments of Project Manager (New Territories North and West), Civil Engineering and Development Department that the carriageway of the existing Fuk Hang Tsuen Road outside the site was only about 6m wide and the footpaths were also very narrow. He understood that the Highways Department would widen the section of Fuk Hang Tsuen Road between Castle Peak Road and Lam Tei Main Street to 10.3m wide carriageway with proper footpaths, and the section between Lam Tei Main Street and Fuk Hang Tsuen Lane to 7.3m wide carriageway with proper footpaths. He envisaged that the section of Fuk Hang Tsuen Road adjoining the site would also need to be widened to at least 7.3m wide carriageway with proper footpaths on both sides. Hence, to allow the flexibility for widening the section of Fuk Hang Tsuen Road adjoining the site in future, he suggested that the applicants should be required to set back the site boundary by 3m along the northern and eastern site boundary (i.e. about 240m long) adjoining Fuk Hang Tsuen Road, which was mainly government land;
- (h) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that a section of existing 1,050mm diameter public stormwater drain was located along the footpath to be excluded from the development site and in close proximity of the site. No structure should be rested directly above the existing drain. Reserve area might be required within the site for protection of the drain as well as to facilitate future maintenance and repair of the existing drain. Proposed development including planting works should not affect existing public drainage facilities within or in close proximity to the site and impose additional difficulties in subsequent drainage maintenance/repair works;
- (i) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains would be affected. The

developer should bear the cost of any necessary diversion works arising from the proposed development. In case it was not feasible to divert the affected water mains, a 3-m wide Waterworks Reserve within 1.5 m from the centerline of the affected water mains should be provided to the WSD. No structure should be erected over the Waterworks Reserve and such area should not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorized;

- (j) to note the comments of Director of Leisure and Cultural Services that the Leisure and Cultural Services Department had no intention to take up the management and maintenance responsibilities of the proposed public open space;
- (k) to note the comments of Director of Electrical and Mechanical Services that there was a high pressure pipeline running along the access road (i.e. the southern boundary of the site). The high pressure pipeline was classified as Notifiable Gas Installation under the Gas Safety Ordinance (Cap. 51), its construction and use were required to undergo an approval system. The applicant/consultant was required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes", which was available at the Electrical and Mechanical Services Department website;
- (l) to note the previous comments of Director-General of Telecommunications that the applicants should be responsible for improvement works of television reception, including the cost incurred for any remedial measures, should the proposed development affect the free-to-air television reception in the areas of Lam Tei; and
- (m) to liaise with the locals to address their concerns.

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/TM-LTY Y/228 Temporary Private Car and Heavy Construction Vehicle Park with Ancillary Vehicle Repair Workshop and Ancillary Site Office for a Period of 3 Years in “Green Belt” and “Residential (Group D)” zones, Lots 2424, 2425, 2426 (Part) and 2427 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/228)

[Mr. Ivan Fu and Ir. Janice Lai returned to the meeting at this point.]

48. The Secretary reported that on 4.1.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to respond to comments of concerned government departments. On 6.1.2012, the Committee decided to defer a decision on the application for two months to allow time for preparation of further information. On 7.3.2012, the applicant submitted further information and the application was scheduled for consideration by the Committee on 4.5.2012.

49. The Secretary also reported that as seen from the aerial photo taken in May 2005, the application site was originally covered by vegetation. However, the vegetation at a substantial part of the site had been cleared and the cleared area had been paved in 2005/2006 as evident from the aerial photo taken in December 2006. The site was currently paved and used for the applied temporary development without planning permission. The site was subject to planning enforcement action against unauthorised development. Enforcement Notice (EN) was issued to the concerned parties on 6.5.2011 requiring discontinuance of the unauthorised use. Reinstatement action would be considered to restore the damaged land after discontinuance of the unauthorised development.

50. The Secretary continued to said that on 24.6.2011, the Board, in considering the

TPB paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach” noted that as the existing state of the site, which was a relevant consideration in a planning application, might be in a state of flux, particularly where a Reinstatement Notice (RN) had been served, the Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or “individual characteristics” of the site, the Board could take into account the state of the site as required in the RN in considering the application. Given that any act relating to “destroy first, development later” should not be encouraged and the site in question, currently occupied by “UD”, was in a state of flux, it was recommended that a decision on the application be deferred until the application site had been reinstated.

51. In response to a Member’s enquiry, the Secretary said that if RN was issued but the site was not reinstated, the relevant party would be prosecuted. However, she said that the matter on planning enforcement was outside the Committee’s purview.

52. After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration within one month from the date of issue of Compliance Notice by the Planning Authority which confirmed the satisfactory completion of the reinstatement work as required under the RN.

Agenda Item 17

Section 16 Application

[Open Meeting]

A/YL-PS/378 Temporary Rural Communal Public Vehicle Park for Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 429, 431(Part), 436(Part), 437, 438 S.A, 446(Part), 447(Part) and 449 R.P.(Part) in D.D. 122, Hang Mei Tsuen, Ping Shan
(RNTPC Paper No. A/YL-PS/378)

53. The Secretary reported that on 25.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to prepare further information to address departmental comments.

54. 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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/772 Temporary Recycling Centre and Open Storage of Recycled Plastics and Paper with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1922 RP (Part), 1923 (Part), 1926 (Part), 1941 S.B RP (Part), 1942 S.B RP (Part) and 1943 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/772)

Presentation and Question Sessions

55. Mr. W. W. Chan, DPO/TMYL (Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary recycling centre and open storage of recycled plastics and paper with ancillary workshop for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 80 m away). Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, it was noted that there was no environmental complaint against the site over the past three years. Notwithstanding, relevant approval condition restricting the operation hours and prohibiting the handling (including loading, unloading and storage) of electrical/electronic appliances/components, and computer wastes were recommended to address DEP's concern. Besides, the applicant would also be advised to follow the latest COP to minimize the possible environmental impacts on the adjacent areas.

56. In response to the Chairman's enquiry, Mr. W. W. Chan said that the closest residential area from the application site was located to the southwest and northwest across Ping Ha Road.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (d) the maintenance of the existing drainage facilities on site at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2012;
- (f) the demolition of the existing on-site metal frame, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2012;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2012;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2012;
- (j) 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 4.11.2012;

- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2013;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (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.

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

- (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was accessible to Ping Ha Road via an informal local track on government land (GL) and other private land. His office provides no maintenance works for the GL and did not guarantee right-of-way. Should planning approval be given, the lot owner would still need to apply to his office to permit the structures to be erected or irregularities on site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. 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;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape of Planning Department that there were dead and damaged trees within the site and thus the applicant was required to replace these trees. The applicant was also required to identify the existing trees to be preserved and the proposed trees to be planted on the tree preservation and landscape proposal;
- (h) to note the comments of the Director of Fire Services in Appendix V of the RNTPC paper. 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; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the structures existing at the site and his department was not in a position to offer comments on their suitability for the use related to the

application. The applicant was reminded to note his other detailed comments as mentioned at Appendix V of the RNTPC paper.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/YL-HT/782 Proposed Temporary Logistic Transport Transit Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 51 (Part), 54 (Part), 55, 56 (Part), 57 (Part), 58, 60, 61, 62, 63, 64, 65, 66 (Part), 67 (Part), 71, 140 (Part), 141 (Part), 142 (Part), 143 (Part), 144, 145, 146, 148 (Part), 149 (Part), 150 (Part), 151 and 152 (Part) in D.D. 125 and Lots 3220 (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3226 (Part), 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/782)

59. The Secretary reported that on 22.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to respond to the comments of Transport Department.

60. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted 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 20

Section 16 Application

[Open Meeting]

A/YL-HT/783

Temporary Organic Farm with Education and Activity Centre for a Period of 3 Years in “Coastal Protection Area” zone, Lots 201 RP, 202, 203 (Part), 204 RP, 205 RP, 206, 207, 208, 209, 210, 213, 214 S.A, 214 RP, 215 S.A, 215 S.B, 216, 217, 218, 219 S.A ss.1 RP (Part), 219 S.A RP, 219 S.B, 221, 222 S.A RP, 222 S.A ss.1, 222 S.B, 222 RP, 223, 224 S.A (Part), 224 S.B (Part), 224 S.C, 224 S.D, 225 (Part), 226, 227, 228, 230, 231 S.A, 231 S.B, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242 (Part), 243, 245 (Part), 246 (Part), and 581 in D.D.128 and Adjoining Government Land in Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/783)

61. The Secretary reported that on 26.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to address comments from relevant government departments.

62. 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/YL-HT/784 Proposed Temporary Public Vehicle Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in “Open Space” zone, Lot No. 908 RP in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/784)

Presentation and Question Sessions

63. Mr. W. W. Chan, DPO/TMYL (Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, 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 pm to 7:00 am, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no vehicle without valid license issued under the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (c) no coach, medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter or be parked/stored on the site during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (e) the provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2012;
- (f) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 4.11.2012;
- (g) in relation to (f) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 4.2.2013;

- (h) the submission of a 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 4.11.2012;
- (i) in relation to (h), the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2013;
- (j) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2012;
- (k) if the above planning conditions (a), (b), (c) or (d) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on an Old Scheduled Agricultural Lot held under the Block Government Lease which contains

the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the 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/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Ping Ha Road via Government Land Allocation No. TYL 825 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. The applicant should consult CE/LW for any interface problem;

- (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 minimize 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 Director of Highways on submission and implementation a run in/out proposal at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should also be provided to prevent surface water running from the site to the nearby public roads and drains;
- (f) to note the comments of the Director of Fire Services on the provision of portable hand-operated approved appliances, which should be clearly

indicated on plans for storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, and submission of relevant layout plans incorporated with the proposed FSIs to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works, including any temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. Containers used as office/guardroom were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. 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 the building plan submission stage. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-LFS/224

Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Conservation Area” and “Green Belt” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zones, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/224)

67. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Sun Hung Kai Properties Ltd., which owned the company of the applicant, and MVA Hong Kong Ltd, the consultant of the application. Also, Ir. Janice Lai had declared an interest in this item as she had current business dealings with Sun Hung Kai Properties Ltd.. As the case was for deferral, the Committee agreed that Mr. Fu and Ir. Lai should be allowed to stay in the meeting.

68. The Secretary reported that on 30.4.2012, the applicant requested the Board to defer making a decision on the application for six months due to the complexity of the application and the need to undertake technical assessments to address department concerns. The Secretary also reported that Planning Department (PlanD) had no objection to the request for deferment as the justification for deferment met the criteria for deferment as set out in TPB PG-No. 33. However, PlanD did not support the requested deferment period of six months as the applicant had not provided any justification as to why a six month deferral period was needed. It was further noted from paragraph 3.4 of TPB PG-No. 33 that applicants would normally be given two months for preparation of further information.

69. 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 Committee also agreed to advise the applicant to consider the option of withdrawing the present application and re-submitting a fresh one if it considered/forsaw that the technical complexity of the applicant required a longer time to resolve.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-NSW/213 Proposed Columbarium in “Government, Institution or Community” zone, Portion of 1/F of the planned administrative building, Lot 1630 (Part) in D.D. 115, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/213)

70. The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with MVA Hong Kong Ltd, the consultant of the application. As the case was for deferral, the Committee agreed that Mr. Fu should be allowed to stay in the meeting.

71. The Secretary reported that on 19.4.2012, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to resolve comments from the concerned bureaux and departments on the application.

72. 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/272 Temporary Cargo Handling, Forwarding Facility and Container Vehicle Park for a Period of 3 Years in “Open Storage” zone, Lots 1376 (Part), 1377 (Part), 1378 and 1379 in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/272)

Presentation and Question Sessions

73. Mr. W. W. Chan, DPO/TMYL informed the meeting that replacement pages No. 11 and 12 to the RNTPC paper with revisions on paragraphs 13.2 and paragraph (i), (n) and (o) of the approval conditions were distributed to Members on 3.5.3012. He proceeded to present the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary cargo handling, forwarding facilities and container vehicle park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 1m away) and environmental nuisance was expected. Other government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, relevant approval conditions on restriction on the operation hours and workshop activities on-site were recommended to address DEP's concern and mitigate any potential environmental impacts.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity, including container repair and vehicle repair, was allowed on the site during the planning approval period;
- (d) the maintenance of the existing landscape planting on site at all times during the planning approval period;
- (e) the maintenance of a proper vehicular access/run-in between the site and the public road at any time during the planning approval period;
- (f) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (g) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2012;
- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.11.2012;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.2.2013;
- (j) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2012;
- (k) in relation to (j) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.2.2013;
- (l) 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 4.11.2012;
- (m) in relation to (l) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) 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.

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

- (a) to resolve any land issue 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 (LandsD) that access to the site abuts directly onto Ka Lung Road. His office provided no maintenance work for the government land (GL) involved and did not guarantee right-of-way. The occupier would need to apply to his office for a Short Term Tenancy to occupy the additional 9m² of GL near the access gate. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and there was no guarantee that such application would be approved. 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.
- (c) to note the comments of the Commissioner for Transport that no queuing of vehicles at the ingress and egress of the site leading to Ka Lung Road should be permitted;
- (d) to comply with the environmental mitigation measures recommended in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there were some trees adjacent to the site and to prevent damaging these trees during operation as far as practicable.

- (f) to note the comments of the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) that no public stormwater maintained by CE/MN, DSD was currently available for connection. The area was probably being served by some of the existing local village drains. The village drains were probably maintained by District Officer/Yuen Long (DO/YL). The applicant should approach DO/YL if he wished to know more about these drains. If the proposed discharge points were to be connected to these drains, the applicant should seek agreement from the relevant department on the proposal. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from DEP should be obtained. The applicant was reminded to note his other detailed comments as mentioned at Appendix V of this RNTPC paper;

- (g) to note the comments of Director of Fire Services that to make reference to the requirements in Appendix V of the RNTPC paper in formulating fire service installations (FSIs) proposal for the proposed structures. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that it appeared to be a good chance for the Government to clear the unauthorized structures on site. The granting of this planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as office and store were considered as temporary structure and subject to control under Building (Planning) Regulations (B(P)R) Pt. VII. Formal submission of any proposed new building works, including any temporary structure for approval under the BO was required. If the site did not abut

on a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the B(P)R 19(3) at building plan submission stage.

Agenda Items 25 and 26

Section 16 Applications

[Open Meeting]

A/YL-KTN/370 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the East of the Fishery Research Station of the Agriculture, Fisheries and Conservation Department), Yuen Long
(RNTPC Paper No. A/YL-KTN/370)

A/YL-KTN/371 Proposed Residential Development (Houses) in “Comprehensive Development Area” and “Undetermined” zones, Various Lots in D.D. 107 and Adjoining Government Land, Kam Tin (to the South of Cheung Chun San Tsuen), Yuen Long
(RNTPC Paper No. A/YL-KTN/371)

77. The Committee noted that the two applications were similar in nature and the application sites were located within the same area designated as “Undetermined” on the DPA Plan. The Committee agreed that the two applications could be considered together.

78. The Secretary reported that Mr. Ivan Fu had declared an interest in these two items as he had current business dealings with Sun Hung Kai Properties Ltd., which owned the company of the applicants, as well as AECOM Asia Co. Ltd, Belt Collins International (HK) Ltd. and Urbis Ltd., the consultants of the applications. Ir. Janice Lai had also declared an interest in these two items as she had current business dealings with Sun Hung Kai Properties Ltd. which owned the company of the applicant, as well as AECOM Asia Co. Ltd, Asia Ecological Consultants Ltd. and Urbis Ltd., the consultants of the applications. As the case was for deferral, the Committee agreed that Mr. Fu and Ir. Lai should be allowed to stay in the meeting.

79. The Secretary reported that on 20.4.2012, the applicants requested the Board to defer making a decision on the two applications for two months respectively in order to allow time to prepare supplementary information to address the latest departmental comments received.

80. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. 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 applicant. The Committee also agreed to advise the applicants 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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/560 Proposed Temporary Open Private Visitor Car Park (Private Car and Light Goods Vehicle) for a Period of 3 Years in “Agriculture” zone, Government Land in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/560)

Presentation and Question Sessions

81. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open private visitor car park (private car and light goods vehicle) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application. He advised that according to the prevailing practice, DLO/YL would identify suitable government land (GL) for public car park use and any suitable areas of GL would be offered by way of Abbreviated Tender System (ATS). However, the site was entirely on unallocated GL and DLO/YL had no programme to let out the site for public car park use at present. Should the application be approved, there would be an undesirable implication that any unleased GL could be applied for direct granting of Short Term Tenancy (STT) upon planning permission was obtained. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years reasons as detailed in paragraph 11 of the Paper. It should be noted that DLO/YL, LandsD did not support the application for the main reason that there could be an undesirable implication that any unleased GL could be applied for direct grant of STT when planning permission was obtained. He also advised that he had no programme to let out the site for public car park use. However, the concern of DLO/YL of LandsD was a land administrative matter which fell outside the ambit of the Town Planning Board and the approval of the planning application should not pre-empt LandsD's decision/practice on land disposal of the site.

82. Members had no question on the application.

Deliberation Session

83. The Chairman asked about the procedures of letting out government land for

temporary public car park. He said that the approval of a planning application for a temporary car park did not guarantee that approval from LandsD could be obtained for the use of government land. In response, Ms. Anita Lam said that should planning approval be granted, the application for use of government land would be at sole discretion of LandsD.

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:30 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) 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;
- (f) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (g) the existing vehicular accesses/run-ins between the site and the public road should be maintained at all times during the planning approval period;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) 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.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that part of the site was fenced off and under the custody of LandsD. No permission had been given for occupation of government land (GL) under the site. The site was directly accessible via GL direct to Kam Tin Road. LandsD did not provide maintenance works on this GL nor guarantee right of way. Occupier of the GL concerned would still need 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 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;
- (b) the approval of the application did not imply that the site would be directly granted to the applicant by LandsD for the proposed development and that the planning approval had no relationship on how the site would be disposed by LandsD. The applicant should liaise with LandsD regarding the land disposal aspect of the site for the proposed development;
- (c) to adopt environmental mitigation measures as set out in the “Code of

Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (d) to note the comments of Director of Agriculture, Fisheries and Conservation that as the site concerned appears to be adjacent to some trees, the applicant should preserve them as far as practicable during construction and operation;
- (e) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should also not obstruct the overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary; and
- (f) to note the comments of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant 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 “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/562 Temporary Parking of Bus Chassis and New Coach with Ancillary Parts Assembly for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 566 (Part), 613 (Part) and 616RP (Part) in D.D. 106 and Adjoining Government Land, Kam Tin South, Yuen Long

(RNTPC Paper No. A/YL-KTS/562)

Presentation and Question Sessions

86. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary parking of bus chassis and new coach with ancillary parts assembly for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application. He advised that on approving a proposed residential development (Application No. A/YL-KTS/499) to the immediate north of the site, it was the common consensus during the RNTPC’s meeting that application / renewal of the two industrial-related temporary uses in the close proximity including the use under the current application should not be granted so as to phase out these non-conforming uses. Since the surrounding land uses in the vicinity of the site were predominated by existing or planned residential development, relocation of the industrial-related uses seems to be the best way to resolve the “Industrial/Residential” (“I/R”) interface problem, such as industrial noise

impact resulting from operation of workshops and traffic of heavy vehicles. As such, he was unable to lend support to the application. DEP also advised that there were sensitive receivers, i.e. existing residential structures located to the east and west (the nearest one about 10m away) and in the vicinity of the site. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also advised that the submitted landscape and tree preservation proposal was not sufficient;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The surrounding land uses in the vicinity were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land with scattered open storage/storage yards and workshops. A proposed development of ten houses located to the immediate north of the site under Application No. A/YL-KTS/499 was approved with conditions by the Committee on 17.6.2011. In approving Application No. A/YL-KTS/499, the Committee recognized the need to phase out the non-conforming uses in order to realize the planning intention of the “OU(RU)” zone, and that the approval of Application No. A/YL-KTS/499 would act as a catalyst to help achieve an early implementation of the planning intention. In this regard, the Committee also considered that the two non-conforming industrial-related uses to the immediate south/southwest of Application No. A/YL-KTS/499 including the applied use at the site and the storage / parking use with workshops adjoining the site should not be continued/further approved. The continuation of the temporary parking of bus chassis and new coach and workshop-related use at the site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone and contradict with existing and future residential land uses in the vicinity. Although two similar applications (No. A/YL-KTS/465 and 540) for temporary public vehicle park were approved

with conditions by the Committee, they were for parking of private cars only without involving heavy vehicles/coaches and workshop-related activities. Also, DEP did not support the application as he considered that relocation of the industrial-related uses in the vicinity seemed to be the best way to resolve the “Industrial/Residential” (“I/R”) interface problem given the surrounding land uses were predominated by existing or planned residential development including the approved scheme No. A/YL-KTS/499. Moreover, there were sensitive receivers, i.e. existing residential structures located to the east and west (the nearest one about 10m away) and in the vicinity of the site. From the landscape planning point of view, the submitted tree landscape and preservation proposal was also not satisfactory.

87. In response to the Chairman’s enquiry about the progress of implementation of the approved residential development located to the immediate north of the site, Mr. W. W. Chan said that according to DLO/YL, LandsD, the applicant of that application was liaising with LandsD on the details of the lease modification for the proposed development and construction of the 10 houses had not commenced yet.

Deliberation Session

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

- (a) the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the parking of bus chassis and new coach and workshop-related use at the site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There had been material change in planning circumstances upon approval of a proposed residential development to the immediate north of the site which would act as a catalyst to realize the planning intention. The

continuation of the temporary parking of bus chassis and new coach and workshop-related use at the site would jeopardize the compatible permanent uses hence the planning intention of the “OU(RU)” zone;

- (b) the surrounding land uses in the vicinity were predominated by residential structures/dwellings/development, agricultural land and vacant/unused land. The development would contradict with the existing and future residential land uses in the vicinity; and
- (c) the development would generate adverse environmental and landscape impacts.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/633 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years
in “Village Type Development” zone, G/F, 189 Wing Ning Lei, Wang
Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/633)

Presentation and Question Sessions

89. Ms. Bonita K.K. Ho, 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 – concerned departments had no objection or adverse comments on the application as detailed in paragraph 10 of the Paper;

- (d) one public comment from the resident of the upper floor of the subject building was received during the first three weeks of the statutory publication period. The commenter was concerned that the proposed eating place might overload the septic tank and the drainage outlet/pipe of the subject building; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding the comment received from the resident of the upper floor of the subject building with the concern that the existing septic tank and drainage facilities did not have the capacity to accommodate the proposed eating place use, relevant departments had no adverse comment on the application. According to the applicant, he had also liaised with the resident who had agreed to share the fee for the maintenance of the septic tank. Relevant approval conditions were recommended to minimize the possible adverse drainage impact. Moreover, the applicant would be reminded that all waste waters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 8:00 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 4.11.2012;

- (c) in relation to (b) 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 4.2.2013;
- (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 4.11.2012;
- (e) in relation to (d) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2013;
- (f) if the above planning condition (a) 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
- (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the affected lot was an Old Scheduled House Lot held under the Block Government Lease, under which erection of building was allowed. However, should the development involve any rebuilding, application to his office for approval would be required. His office reserves any right to take lease enforcement action should any breach of lease conditions be detected. Issue of Building Licence was not

required under the lease. The building was erected without approval in 1978. Should it be rebuilt to a size outside the category of New Territories Exempted House, submission of building plan to the Building Authority was required. Besides, the site was accessible from Fan Kam Road via government land and private land. His office did not provide maintenance works on this Government Land nor guarantee right of way;

- (c) to liaise with LandsD and Buildings Department (BD) in order to comply with their requirements under lease and the Buildings Ordinance for the building at the site;
- (d) to note the comments of Commissioner for Transport that the site was connected to public road network via section of local access road which was not managed by his department and land status of the local access road should be checked with the lands authority. Furthermore, management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to adopt the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection (DEP) to minimize any potential environmental nuisance;
- (f) to note the comments of DEP that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans.

Moreover, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration ;

- (h) to note the comments of Director of Food and Environmental Hygiene that any food business carrying on thereat should be granted with a license issued by him. The applicant should also prevent creating environmental nuisance affecting the public;
- (i) to note the comments of Chief Building Surveyor/New Territories West, BD that any existing structures on the site intended to be used for the applied use were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and
- (j) to note the comment of Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/300 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Village Type Development” zone, Lot 1293 RP (Part) in
D.D.117, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/300)

Presentation and Question Sessions

93. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) four public comments were received during the first three weeks of the statutory publication period supporting the application mainly on the ground that the real estate agency service would provide genuine needs for the local community as there were currently no real estate agency servicing the area; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) 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 4.11.2012;
- (c) in relation to (b) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.2.2013;
- (d) 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 4.11.2012;
- (e) in relation to (d) above, the implementation of 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 4.2.2013;
- (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 4.11.2012;
- (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 4.2.2013;

- (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 4.11.2012;
- (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 4.2.2013;
- (j) if the above planning condition (a) 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 (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone to the open storage of converted containers and heavy goods vehicle car park or any other use/development which currently exists on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the specific structures as real estate agency office use. Access of the site was open onto Kiu Hing Road via a short stretch of government land and his office did not provide maintenance works on this access nor guarantee right-of-way. The lot owner should apply to his office 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 such application was approved, 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 Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the run-in/out should be constructed at the access point at in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to suit the pavement of the adjacent areas. Besides, the applicant should provide adequate drainage measures to prevent surface water running from the site to the nearby public roads and drains. Moreover, his department should not be responsible for the maintenance of any access connecting the site and Kiu Hing Road;
- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact on the adjacent area;
- (h) to note the comments of Chief Engineer/Sewerage Projects, Drainage Services Department that the sewerage works within Tai Tong Tsuen under PWP Item No. 384DS – Sewerage at Yuen Long Kau Hui and Shap Pat Heung was under design stage. Subject to the funding availability, the sewer laying works was tentatively scheduled to commence in mid 2012 for completion by 2016. The lot owner might be required by Environmental Protection Department under the Water Pollution Control (Sewerage) Regulation to make connection to the public sewer upon the completion of the above mentioned contract.
- (i) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing and proposed trees should be clearly marked and differentiated on the landscape plan by using two different symbols in order to avoid confusion;
- (j) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans 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; and
- (k) to note the comments of Director of Electrical and Mechanical Services that

the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant 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 application site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/584 Temporary Warehouse for Storage of Vehicle Parts with Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 1149 S.A (Part) and 1149 RP (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/584)

Presentation and Question Sessions

97. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary warehouse for storage of vehicle parts with ancillary site office for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate north and in the vicinity of the site. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter indicated that the site was actually used as a vehicle repair workshop with paint-spraying activities being carried out occasionally. He requested the Board to take into consideration the environmental impact of the development; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper. Although DEP did not support the application in view of the residential uses located to the immediate north and in the vicinity of the site, the development was proposed for storage purpose mainly within an enclosed warehouse structure and there had not been any environmental complaint in the past 3 years. Relevant approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of medium and heavy goods vehicles were recommended to address DEP's concerns. There was also a public comment on the application concerning the possible environmental impact of the current vehicle repair workshop use on the site. In this regard, an advisory clause was suggested reminding the applicant that the planning permission given did not condone the vehicle repair workshop which currently exists on the site but not covered by the application. He should take immediate action to discontinue such use/development not covered by the permission.

98. In response to a Member's enquiry on the land use of the area surrounding the application site, Mr. W.W. Chan said that the subject site fell within a large piece of land to the west of Kung Um Road zoned "Undetermined" on the approved Tong Yan San Tusen

OZP. He said that PlanD and CEDD would undertake a study on the future development of Yuen Long South which would include the application site. He said that as there was no known programme for permanent development at the site, the approval of the application on a temporary basis would not frustrate the long-term use of the area.

Deliberation Session

99. A Member queried whether approval condition (c) could be enforced since there was local concern on possible vehicle repair works at the application site. Mr. W.W. Chan said that if a complaint was received on suspected vehicle repairing activities at the site, PlanD would conduct site inspection. If the applicant was found contravening the approval condition such as carrying out vehicle repairing, dismantling, paint-spraying, cleansing or other workshop activities at the site, the planning permission would be revoked.

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, 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 9:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling, paint-spraying, cleansing 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 vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;

- (e) 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 4.11.2012;
- (f) in relation to (e) above, the implementation of 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 4.2.2013;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.11.2012;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.2.2013;
- (i) 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;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently exists on the site but not covered by the

application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;

- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval had been given to allow the specific structures including storage of vehicle parts on the site. The lot owners concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (d) to note the comments of Commissioner for Transport that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director

of Environmental Protection to minimize any potential environmental nuisances;

- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the sizes of the proposed catchpits and the details of the connection with the stream should be shown on the drainage plan. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (h) to note the comments of Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements that, for other open storage, open shed or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structure, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his Department for consideration;
- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the

existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. If new temporary warehouse for storage of vehicle parks and ancillary site office were proposed, they were considered as temporary buildings subject to control under Building (Planning) Regulation (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 did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (k) to note the comments of Director of Electrical and Mechanical Services that the applicant and/or his contractors 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 and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out

works in the vicinity of the electricity supply lines.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/585 Temporary Open Storage of Metal, Scrap Iron and Containers for a Period of 3 Years in “Residential (Group D)” zone, Lots 977 RP and 978 in D.D. 121, Long Hon Road, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/585)

Presentation and Question Sessions

102. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of metal, scrap iron and containers for a period of 3 Years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. However, in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. It was also incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas. Although there were storage yards and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse comments from DEP on the application in view of the environmental nuisance of the development on the surrounding sensitive receivers of residential uses, the nearest being at about 40m its west. Also, the applicant had no included any technical assessment/proposal in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas. Although 10 similar applications for temporary open storage uses in the same “R(D)” zone had been approved either by the Committee or the Board on review previously, these applications were all approved before 2002 and prior to the classification of the site into the current 4 categories under the previous TPB PG-No. 13D. Since 26.10.2001, no further similar application for storage use had been approved within the same “R(D)” zone. In this regard, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(D)” zone, causing degradation to the surrounding environment.

103. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. 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 application did not comply with the Town Planning Board PG-No. 13E in that no previous planning approval had been granted for the use on the site, no relevant technical assessments have been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) as no approval for similar uses had been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/586 Proposed Temporary Warehouse for Storage of Construction Materials (Including Ceramic Tiles) for a Period of 2 Years in “Residential (Group C)” zone, Lot 1279 S.A (Part) in D.D. 119, Pak Sha Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/586)

Presentation and Question Sessions

105. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction materials (including ceramic tiles) for a period of two years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) advised that there was no environmental complaint concerning the site received in the past 3 years. However, in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application as there were sensitive receivers of residential uses to the immediate east and southeast and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed warehouse was not in line with the planning intention of the “R(C)” zone which was primarily for low-rise, low-density residential developments. It was incompatible with the planned residential use and the existing residential development and structures in the surrounding areas. Although there were warehouses and open storage yards in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. Although the applicant indicated that the operation of the warehouse would only involve loading/unloading activities, however, DEP did not support the application as there were sensitive receivers of residential uses to the immediate east and southeast and in the vicinity of the site such that environmental nuisance was expected. Except the proposed operation hours, the applicant did not provide information on how the potential environmental impact of the development could be addressed. Although five applications for temporary warehouse use had been approved on the site to the immediate north of the current application site, they were approved mainly on sympathetic consideration when there was no definite programme to realize the planned residential use in the area, and no similar temporary open storage use had been approved before. With the completion of the residential development of One Hyde Park with 30 houses in the same “R(C)” zone at about 80m to the east of the site in 2009, there was a change in the planning circumstances of the area. The last application (No. A/YL-TYST/555) of that site was only approved by the Committee for one more time for 2 years in order to allow time for the applicant to relocate the development to a more suitable location, and the applicant had been advised that no further renewal of the planning approval would be allowed unless with very strong reasons. In this regard, the approval of the current application would not only subject the residential development to potential environmental nuisance from the site, but would also frustrate the long-term development of the area according to the zoned use.

106. Members had no question on the application.

Deliberation Session

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

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/587 Temporary Open Storage of Building/Recycling Materials, Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots 369 RP (Part), 370 RP (Part), 371 S.A (Part), 371 S.B (Part), 381 RP (Part), 382 RP, 383 RP, 384, 385, 386, 387, 388, 389 RP, 390 RP, 391 RP, 439 RP (Part), 440 (Part), 444, 445, 446, 447, 448, 449, 450 S.A, 450 S.B, 450 S.C, 451, 452, 453, 454, 455, 456, 457, 458 (Part), 459 (Part), 471 (Part), 472, 473, 474, 475 S.A (Part), 475 S.A ss.1 and 475 S.B (Part) in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/587)

Presentation and Question Sessions

108. Ms. Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building/recycling materials, construction machinery and used electrical/electronic appliances and parts with ancillary packaging activities for a period of three years;
- (c) departmental comments – concerned departments had no objection or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) one public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application and was concerned about the environmental pollution and fire risk

associated with the storage of electronic waste. He urged the government to impose more stringent fire safety requirements on this kind of open storage sites; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding the public objection to the application concerning the possible environmental pollution and fire risk associated with the storage of electronic waste, both DEP and D of FS had no adverse comment on the application. The applicant's proposed arrangement on storage of used electrical/electronic appliances and parts was also considered acceptable to DEP. Moreover, relevant approval conditions were recommended for mitigating the potential environmental impact and fire risk.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.5.2015, 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 and public holidays was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning

approval period;

- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary packaging activities as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the existing trees on the application site should be maintained at all times during the planning approval period
- (f) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.11.2012;
- (h) 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 4.11.2012;
- (i) in relation to (h) 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 4.2.2013;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.6.2012;
- (k) 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 4.11.2012;

- (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 the Director of Fire Services or of the TPB by 4.2.2013;
- (m) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the concerned lot owners and occupiers 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 track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the

government land was temporarily allocated to the Drainage Services Department for the “PWP Item 4368DS (part-upgraded from 4235DS in Might 2009) – Yuen Long South Branch Sewers” project;

- (c) to note the comments of Commissioner for Transport that the land status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (g) to note the comments of Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of this RNTPC Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;

- (h) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, 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 structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (i) to note the comments of Director of Electrical and Mechanical Services that the applicant and/or his contractors 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 and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[The Chairman thanked Mr. W. W. Chan, DPO/TMYL, Mr. K.C. Kan and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Chan, Mr. Kan, and Ms. Ho left the meeting at this point.]

Agenda Item 35

Any Other Business

112. There being no other business, the meeting closed at 4:00 p.m..