

TOWN PLANNING BOARD

Minutes of 465th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 18.5.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Ir. Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Ir. Janice W.M. Lai

Mr. H.F. Leung

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. K.C. Siu

Chief Engineer (Works), Home Affairs Department
Mr. Paul Y.K. Au

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

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

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

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Dr. C.P. Lau

Mr. Lincoln L.H. Huang

Dr. W.K. Lo

Ms. Christina M. Lee

In Attendance

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

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

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 464th RNTPC Meeting held on 4.5.2012

[Open Meeting]

1. The draft minutes of the 464th RNTPC meeting held on 4.5.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/NE-KTS/4

Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12 from “Government, Institution or Community” to “Residential (Group C) 2”,
Lot 1145 RP in D.D. 92, Hang Tau Road, Kwu Tung South
Sheung Shui
(RNTPC Paper No. Y/NE-KTS/4)

3. The Secretary reported that on 10.5.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to carry out detailed drainage and sewerage impact assessments to address comments of the Drainage Services Department.

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

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/ST/16 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from “Village Type Development” to “Government, Institution or Community (1)”, Lots No. 63, 296 (Part), 331 RP (Part) and 393 S.B (Part) in D.D. 185, Sheung Wo Che, Sha Tin
(RNTPC Paper No. Y/ST/16)

5. The Secretary reported that on 7.5.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Director of Environmental Protection, the Commissioner for Transport and the Chief Town Planner/Urban Design and Landscape of the Planning Department.

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

[Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Mr. David Y.M. Ng, 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 (Presentation and Question Sessions Only)]

A/ST/777 Shop and Services (Fast Food Shop) in “Industrial” zone,
Unit H4, G/F, Century Centre,
33-35 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/777)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (fast food shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One of the comments from the representative of the Owners’ Committee of Unison Industrial Centre supported the application and the other comment from a private individual indicated no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD recommended that a temporary approval of three years be granted for the reasons as detailed in paragraph 11 of the Paper.

8. Members had no question on the application.

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.8.2012;
- (b) in relation to (a) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.11.2012; and
- (c) if any of the above planning conditions (a) and (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

10. The Committee also agreed to advise the applicants of the following :

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given and shorter compliance periods were imposed in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a

temporary waiver to permit the applied use;

- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the applied use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (e) to note the comments of the Commissioner for Transport that adequate space should be provided inside the shop for queuing of its customers and the queue should not obstruct pedestrian flows on public footpath outside the shop;
- (f) to note the comments of the Director of Fire Services that the “fast food shop” under application should only be licensed as “food factory” or “factory canteen”. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters related to fire resisting construction of the subject premises, the applicant should comply with the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/778 Temporary Shop and Services (Real Estate Agency and Retail Shop)
for a Period of 5 Years in “Industrial” zone,
Unit C5 (Portion), G/F, Block 1, Kin Ho Industrial Building,
14-24 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/778)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency and retail shop) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment stating ‘no comment’ was received; and
- (e) the Planning Department (PlanD)’s views – PlanD recommended that a temporary approval of three years, instead of five years sought, be granted for the reasons as detailed in paragraph 11 of the Paper.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.8.2012;
- (b) in relation to (a) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012; and
- (c) if any of the above planning conditions (a) and (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given and shorter compliance periods were imposed in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories

East (1) & Licensing Unit, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls and floors having a fire resisting period of not less than two hours;

- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and means of escape completely separated from the industrial portion should be available. Regarding matters in relation to fire resisting construction for the subject premises, the applicant should comply with the requirements as stipulated in the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/154 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 38 S.A in D.D. 95, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/154)

A/NE-KTN/155 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 38 S.B in D.D. 95,
Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/155)

Presentation and Question Sessions

15. Noting that the two applications were similar in nature and the application sites were close to each other and within the same “Agriculture” (“AGR”) zone, Members agreed that the applications could be considered together.

16. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers:

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as active agricultural activities were noted in the vicinity of the application sites and the sites were of high potential for rehabilitation;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a North District Council Member for each of the applications indicating support to the proposed development;
- (e) the District Officer (North) advised that the Indigenous Inhabitants Representatives of Ho Sheung Heung supported the applications while the incumbent North District Council Member and the Chairman of Sheung Shui District Rural Committee cum Resident Representative of Ho Sheung Heung had no comment on the applications; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications for the reasons as detailed in paragraph 12 of the Papers. Although DAFC did not support the applications, the proposed Small

House developments were not incompatible with the surrounding areas which were predominantly rural in character with the village proper of Ho Sheung Heung located to its north and vacant farmland to the east. Six similar applications in the same “AGR” zone of the application sites were previously approved by the Committee. Moreover, it was anticipated that the proposed Small House developments would not have significant adverse traffic, drainage, environmental and landscape impacts on the surrounding areas.

17. In response to a Member’s enquiry, Ms. Doris S.Y. Ting, STP/STN, said that six similar applications for Small House developments were previously approved by the Committee. All of them were located to the north of the application sites.

Deliberation Session

18. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 18.5.2016, 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. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the 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 and to 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 flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
 - (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
 - (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Items 9, 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/30 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 1576 S.A in D.D. 91,
Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/30)

A/NE-PK/31 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 1576 S.B in D.D. 91,
Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/31)

A/NE-PK/32 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 1576 S.C in D.D. 91,
Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/32)

Presentation and Question Sessions

20. Noting that the three applications were similar in nature and the application sites were close to each other and within the same “Agriculture” (“AGR”) zone, Members agreed that the applications could be considered together.

21. Ms. Doris S.Y. Ting, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the applications from an agricultural development point of view as active agricultural activities were noted in the vicinity of the application sites and the application sites were of high potential for agricultural rehabilitation;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a North District Council Member for each application indicating support to the proposed developments; and
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee had no comment on the applications. The North District Council Member, the Indigenous Inhabitants Representative and Residents Representative of Kai Leng supported the applications; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for the reasons as detailed in paragraph 11 of the Papers. Although DAFC did not support the applications, the application sites were located to the south of the “Village Type Development” zones of Kai Leng and the footprints of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of the same village. The proposed Small House developments were not incompatible with the surrounding land uses, which were predominately rural in nature with temporary domestic structures, active and fallow agricultural land and village dwellings in the vicinity. In addition, similar applications for Small House developments within/partly within the same “AGR” zone had been approved with conditions by the Committee. Moreover, the proposed Small House developments would not have significant adverse traffic, environment, drainage and landscape impacts on the surrounding areas.

22. In response to a Member's enquiry, the Chairman said that according to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121), NTEHs were in general design and built with a building height of not more than three storeys (i.e. 8.23m) and a roofed-over area not exceeding 65.03m² (i.e. 700 sq. feet). There was no need to stipulate an approval condition to prohibit unauthorized building works (UBWs) in a Small

House development.

Deliberation Session

23. By reference to Plan A-2 of the Paper, a Member opined that the village houses were disorderly distributed and the area lacked a village layout. The development of Small Houses in a disorderly manner would affect the rural landscape. This Member enquired whether there was any village layout plan prepared by the Government. The Chairman responded that if the village was located in an area which was affected by planned infrastructural works and resite of the village was required, PlanD would review the land use and prepare a village layout plans for the area with access road and open space etc, would be prepared and implemented by the concerned government departments. For Small House application submitted by individuals, the Town Planning Board (the Board) would consider the applications in accordance with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (Interim Criteria).

24. The Secretary said that according to the Interim Criteria, if not less than 50% of the proposed NTEH/Small House footprint fell within the 'VE' of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village, sympathetic consideration to the application might be given. However, development of NTEH/Small House with more than 50% of the footprint outside both the village 'environs' ('VE') and the "V" zone would normally not be approved unless under very exceptional circumstances. Hence, the Small House development would be confined within and around the periphery of the "V" zones or 'VE' boundary. The Secretary added that the implementation of the village layout plan would be subject to the availability of government resources.

25. Ms. Anita K.F. Lam, the Assistant Director/New Territories of the Lands Department (LandsD) supplemented that most of the land within the "V" zone were private land. According to the Basic Law, a male person at least 18 years old who was descended through the male line from a resident of a recognised village would be allowed to apply for permission to erect a Small House on a suitable site within the recognized village. Under the Buildings Ordinance (Application to the New Territories) Ordinance Cap. 121, the applicant had to obtain a certificate of exemption from the District Lands Officer prior to the

commencement of any building works of the Small House development. Since most of the Small House developments were surrounded by private land owned by others, the LandsD had no guarantee regarding the right-of-way for access to the Small House.

26. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 18.5.2016, 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. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal aspects of the development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department 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 his department's standards; and

- (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-TKL/381 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in "Industrial (Group D)" zone, Lot 811 RP (Part) in D.D. 77 and
Adjoining Government Land, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/381)

28. The Secretary said that on 3.5.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the Transport Department.

29. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/382 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot 26 S.B (Part) in D.D. 46, Tai Tong Wu, Fanling
(RNTPC Paper No. A/NE-TKL/382)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the application site fell wholly within the “Green Belt” (“GB”) zone where there was a general presumption against development. The application site was covered by vegetation in

2008 but was paved since 2009. Although the asphalt paving was found recently removed during the latest inspection, approval of the case might set a precedent for other similar applications. In addition, whilst the applicant had indicated that no felling and/or damage of trees would be involved under the proposed development, pruning of a mature *Camphor* growing in the vicinity of the application site was anticipated; and

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The application site was situated in an area covered with dense woodland of mature trees. When comparing to the site visit conducted in 2009, it was found that four existing trees originally located within the site had been removed. Significant disturbance to the existing landscape resources had taken place. In addition, an existing large mature tree adjoining the site boundary would likely to be affected by the construction works of the Small House. However, the applicant did not provide any assessment of the likely impacts and mitigation measures. Moreover, the woodland formed a natural green buffer to the adjacent village and was valuable landscape resources to the area. Approval of this application might attract similar applications in the “GB” zone leading to proliferation of Small Houses in the green belt, thus undermining the intactness of the “GB” zone;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One public comment was submitted by a North District Council Member stating that the application site had gone through several times of application but they were not approved. He wished relevant government departments could follow up and solved the residents’ housing problem. Another public comment from the Hong Kong Bird Watching Society raising objection to the application mainly on the grounds of non-compliance with the planning intention of the “GB” zone; negative impacts on the mature trees in its proximity; setting of undesirable

precedent and adverse impacts on the nearby landscape due to further development in the area; and

- (e) the PlanD's views – PlanD did not support the application for the reasons as detailed in paragraph 13 of the Paper which were highlighted below:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within this zone. In this regard, the proposed Small House did not meet the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ (the Interim Criteria) in that the proposed development should not frustrate the planning intention of the respective zone and should not cause adverse impacts on the surrounding areas;
 - (ii) CTP/UD&L, PlanD objected to the application as approval of the application might attract similar applications in the “GB” zone, leading to proliferation of Small Houses in the green belt and thus undermining the intactness of the “GB” zone. Moreover, one existing large mature tree adjoining the site boundary would likely be affected by the construction of the proposed Small House. Moreover, DAFC had reservation on the application. The approval of this application might set a precedent for other similar applications. DAFC also commented that pruning of a mature Camphor growing in the vicinity of the application site was anticipated;
 - (iii) notwithstanding that the application site was in close proximity to the existing village and the development was to meet the demand from indigenous villagers, the application did not comply with the assessment criteria under the Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No.10) in that there was a general presumption against development within the “GB”

zone and the proposed development would further affect the existing natural landscape and causing adverse landscape impacts on the surrounding areas; and

- (iv) there was no similar application for proposed Small House development within the same “GB” zone in the vicinity of the application site approved by the Committee. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative impacts of approving the application would affect the intactness of the “GB” zone and cause adverse landscape impacts on the surrounding areas.

31. Members had no question on the application.

Deliberation Session

32. A Member enquired the planning criteria for assessing an application of Small House development within a “GB” zone. The Secretary responded that according to the TPB PG-No. 10, an application for new development in a “GB” zone would only be considered in exceptional circumstances and must be justified with very strong planning grounds. For the application of Small House development within the “GB” zone, due respect would be given to whether the Small House development fell within the village ‘environs’ boundary and whether there was shortage of land in “Village Type Development” zone in meeting the Small House demand. Moreover, there were also other criteria including whether there was landscape impact. If the proposed Small House would involve significant vegetation clearance, the application would not be supported. In response to the Chairman’s enquiry, Ms. Doris S.Y. Ting, STP/STN, said that as advised by the Chief Town Planner/Urban Design and Landscape, the roots and the crown of the Camphor tree had widely spread out, it would likely be affected by the construction of the Small House.

33. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there was a general presumption against development within this zone;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that it would cause adverse landscape impacts on the surrounding areas as the mature tree in close proximity of the application site was likely to be affected; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such application would affect the intactness of the “GB” zone and cause adverse landscape impacts on the surrounding areas.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/DPA/NE-HH/14 Proposed Rebuilding of 2 Houses (New Territories Exempted Houses) in “Unspecified Use” zone,
Lots 147 S.C and 147 S.D in D.D. 283 and adjoining Government Land, Hoi Hai Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/14)

34. The Secretary reported that on 27.4.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address departmental concerns.

35. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-HH/15 Proposed House (New Territories Exempted House – Small House)
in “Unspecified Use” zone,
Government Land in D.D. 283, Hoi Ha Village, Sai Kung North
(RNTPC Paper No. A/DPA/NE-HH/15)

Presentation and Question Sessions

36. Mr. David Y.M. Ng, 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 – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received raising objection to the application mainly on the following grounds:

- (i) the proposed Small House was located in the middle of the road and was not aligned with the existing houses. It would obstruct vehicles accessing to the existing houses. The proposed house would also deprive the spaces for car parking of at least four residents;
- (ii) the applicant's entitlement for the development of a Small House was doubtful as he did not reside in the village;
- (iii) the existing infrastructure in Hoi Ha was extremely stretched especially at weekends and on public holidays. The application should not be approved until infrastructure including parking, sewage disposal and public amenities were provided to cope with the large number of people visiting Hoi Ha;
- (iv) the plan lacked any design to show appropriate distance between properties, street lighting, quality refuse and garbage facilities, public open spaces or public amenities. The applicant should demonstrate, with a detailed landscape plan, how the conditions could be improved;
- (v) although the applicant had stated that there were no adverse impacts likely to be caused by the Small House development, he had not provide any assessment reports on the environment, traffic (both pedestrian and vehicular), visual and landscape, tree survey, geotechnical impact and sewerage;
- (vi) as Hoi Ha was located in a development permission area and was surrounded by environmentally sensitive areas, there should be a presumption against development except with compelling and/or exceptional reasons;
- (vii) the proposed Small House was located in the middle of rain water

drainage channel which was a main drainage channel for flooding prevention;

- (viii) consultation with residents and other interested parties regarding the future Outline Zoning Plan (OZP) for Hoi Ha area was ongoing. Approving the application at this juncture would pre-empt the Town Planning Board's decision on the OZP; and
 - (ix) a Master Plan should be drawn up to determine where houses could be built in future, open spaces to be protected and parking spaces to be provided. Failure to ensure a sustainably layout before approval of the application might further deteriorate the living environment in the area, and create health and social problems; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Regarding the public comments on the alignment of the proposed Small House with respect to the existing houses, the application site had been set back to the south when compared with the neighbouring houses to its west. This was to avoid affecting a cluster of trees to the north of the site, which, according to the Director of Agriculture, Fisheries and Conservation, included protected tree species of Incense Tree (*Aquilaria sinensis*) (土尋香). For the public concerns on the lack of relevant impact assessments in the applicant's submission and other details such as vehicular access, car parking, drainage, underground pipes and cables at the site, infrastructure provision, country park protection, and environment, relevant government departments had no adverse comments or objection to the application. Besides, approval conditions and advisory clauses as stated in paragraph 12.2 of the Paper could be imposed to address the concerns raised by the government departments. There was a public comment stating that until the Outline Zoning Plan (OZP) had been approved and a Master Plan was agreed by the stakeholders, planning permissions for Small House developments should not be granted on a "piecemeal" basis. In this regard, it should be noted that it was not the intention of the Development

Permission Area Plan to prohibit development. Instead, it was to establish planning control of the area pending detailed analysis and studies to establish land uses in the course of preparing an OZP. Applications for development in this period could be considered on a case-by-case basis, having regard to the relevant guidelines and departmental comments.

37. In response to a Member's enquiry, Mr. David Y.M. Ng, STP/STN, said that the application site was purposely set back to the south to avoid affecting an existing cluster of trees including the Incense Tree. The applicant had previously submitted an application for a proposed Small House under Application No. A/DPA/NE-HH/12. As compared to the subject application, the proposed Small House under Application No. A/DPA/NE-HH/2 encroached more onto the existing footpath and was subject to similar local objection. Application No. A/DPA/NE-HH/12 was subsequently withdrawn by the applicant. Mr. David Ng also pointed out that the proposed Small House under application met the 'Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories' (the Interim Criteria) in that it fell entirely within the 'VE' of Hoi Ha and concerned government departments had no adverse comments on the application.

Deliberation Session

38. The Chairman said that the proposed Small House was not aligned with the existing village houses to its west and it was considered undesirable from the village layout point of view. Its encroachment onto the existing footpath and hence reducing the width of the footpath should also be minimized. In response to the Chairman's enquiry, Mr. David Ng said that the area to the east of the application site was government land.

39. A Member echoed the view that the encroachment of the proposed Small House onto the existing footpath should be minimized. Given there was government land available to the east of the application site, this Member opined that consideration should be given to adjusting the location of the application site and minimize its encroachment onto the footpath. Other Members agreed.

40. A Member pointed out that as shown in the site photograph in Plan A-4 of the Paper, the presence of the climbers indicated that Incense Tree was not in a good health

condition.

41. The Chairman concluded that Members were concerned about the undesirable location of the application site for a Small House development. Given that there was government land available to the east of the application site, the Chairman suggested and Members agreed to defer the consideration of the application and request the applicant to readjust the proposed Small House with a view to aligning with the existing village houses to its west.

42. After further deliberation, the Committee decided to defer a decision on the application pending the applicant to submit a revised layout of the proposed Small House.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-LT/453 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 258 S.A ss.1 and 258 S.B in D.D.8,
Tai Mong Che, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/453)

43. The Secretary reported that on 30.4.2012, the applicant’s representative submitted further information on sewerage connection proposal and requested for a deferment of the consideration of the application for three weeks in order to await comments from the Drainage Services Department.

44. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant. The Committee agreed that the application should be submitted for its consideration on 15.6.2012. The Committee also agreed to advise the applicant that no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Mr. David Y.M. Ng, STPs/STN, for their attendance to answer Members' enquires. Mr. Luk, Ms. Ting and Mr. Ng left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 17

Section 12A Application

[Open Meeting]

Y/SK-PK/2

Application for Amendment to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 from
“Residential (Group C) 2”, “Agriculture”, “Green Belt” to
“Other Specified Uses” annotated “Columbarium” and “Green Belt”
zones, Lots 1025 S.A, 1025 S.B, 1026 S.A (Part), 1026 RP, 1030 S.A
RP (Part), 1030 S.B ss.1 (Part) and Adjoining Government Land in
D.D. 217, Mang Kung Wo,
Sai Kung
(RNTPC Paper No. Y/SK-PK/2)

45. The Secretary reported that Mr. Ivan C.S. Fu had declared interest in this item as he had current business dealings with MVA Hong Kong Ltd., which was one of the consultants of the application. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Fu with interest declared could stay in the meeting.

46. The Secretary continued to report that on 30.4.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare responses to departmental comments.

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

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

Agenda Item 18

Section 16 Application

[Open Meeting]

A/DPA/SK-TA/1 Proposed House in “Unspecified Use” zone,
Lots 201 (Part) and 207 (Part) in D.D. 362 and
Adjoining Government Land, Chau Tsai, Sai Kung
(RNTPC Paper No. A/DPA/SK-TA/1A)

48. The Secretary reported that on 8.5.2012, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to prepare responses to departmental comments.

49. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting]

A/SK-CWBS/13 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Lots 36 & 37 S.A in D.D. 230, Sheung Sze Wan Village,
Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBS/13)

50. The Secretary reported that on 3.5.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information showing the proposed site formation works to be carried out within the “Green Belt” zone.

51. 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 further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/211 Proposed House (New Territories Exempted House – Small House)
 in “Agriculture” zone,
 Lots 679 S.C and 680 RP in D.D. 244, Ho Chung, Sai Kung
 (RNTPC Paper No. A/SK-HC/211)

Presentation and Question Sessions

52. With the aid of a powerpoint presentation, Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application because the site was located near the water gathering ground and the proposed development would destroy the ecology of river and green environment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Although DAFC did not support the application, there were no farming activities at the site. The proposed NTEH was not incompatible with the surroundings, and similar applications for NTEHs had been approved in the

vicinity of the site. As to the public comment concerning the water gathering ground, ecology of river and green environment, it should be noted that the proposed NTEH was located outside the water gathering ground and would not have adverse environmental impacts on the surrounding areas as confirmed by the relevant government departments.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.5.2016, 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 proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standard;

- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the application site fell within the boundary of the Ho Chung Site of Archaeological Interest, the applicant should provide the AMO with sufficient time and allow the staff of AMO entering the subject site to conduct an archaeological survey prior to the commencement of construction works; and
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the application site was near the existing access roads at its east and south, landscape screen (i.e. at grade tree planting or planter) along the eastern and southern site boundary was highly recommended.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/212 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 555 in D.D. 244, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/212)

Presentation and Question Sessions

56. With the aid of a powerpoint presentation, Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application because the site was located near the water gathering ground and the proposed development would destroy the ecology of river and green environment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper. Although DAFC did not support the application, there were no farming activities at the site. The proposed NTEH was not incompatible with the surroundings, and similar applications for NTEHs had been approved in the vicinity of the site. As to the public comment concerning the water gathering ground, ecology of river and green environment, it should be noted that the proposed NTEH was located outside the water gathering ground and would not have adverse environmental impacts on the surrounding areas as confirmed by the relevant government departments.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application, on the

terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.5.2016, 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 proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

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

- (i) the proposed septic tank was in close proximity to the proposed garden area with plants. A setback for the proposed garden area with plants from the septic tank was recommended; and
- (ii) to enhance the rural environment, provision of more greenery (i.e. tree planting) was recommended.

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

Tuen Mun and Yuen Long District

[Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), Mr. Vincent T.K. Lai, Mr. C.C. Lau, Mr. K.C. Kan, Mr. Ernest C.M. Fung 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/35 Proposed Temporary Place of Recreation, Sports or Culture
(Hobby Farm) for a Period of 3 Years in "Agriculture" zone,
Lot 8 in D.D. 135, Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/35)

Presentation and Question Sessions

60. Mr. Vincent T.K. Lai, STP/TMYL, drew Members' attention to a typo error in paragraph 12.2 (a) of the Paper, which should read as "no night-time operation between 7:00 p.m. and 9:00 a.m....". Mr. Lai then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) expressed concerns that approval of the application might set an undesirable precedent for other similar applications in the surrounding areas. Approving such similar applications would induce cumulative adverse traffic impacts on the nearby road network, especially Nim Wan Road;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Village Representative (VR) of Sheung Pak Nai Tsuen indicating that some of the villagers and he objected to the application on traffic and public security grounds; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Regarding C for T's concern, it was noted that the proposed use would only involve a maximum of 40 person-times visiting the site on a single day. The site was well served by green mini-bus, and no transportation and parking space would be provided. Only a light goods vehicle not exceeding 5.5 tonnes would visit the site once a week, normally on weekdays. Moreover, no toilet and public announcement system would be installed at the site. Hence, the proposed use would unlikely cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Technical concerns of government departments could be addressed by the imposition of relevant approval conditions. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. For the public comment raising objection to the

application on traffic and public security grounds, the Commissioner of Police had no adverse comments on the application and the concerns on traffic and public security could be addressed by the imposition of relevant approval conditions.

61. In response to a Member's question, Mr. Vincent T.K. Lai, STP/TMYL, said that the site was currently occupied by an open storage yard without planning permission which was also operated by the applicant under the current application.

Deliberation Session

62. A Member tendered support to the application as hobby farm would be more compatible to the landscape character of the surrounding environment. Some Members shared the view.

63. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no public announcement system, as proposed by the applicant, was allowed to be installed on the site during the planning approval period;
- (c) no tree felling, pond filling and excavation of land, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no vehicle exceeding 5.5 tonnes, as proposed by the applicant, was allowed to enter into the site at any time during the planning approval period;
- (e) the provision of peripheral fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 18.11.2012;

- (f) 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 18.11.2012;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2013;
- (i) the submission of a 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 18.11.2012;
- (j) in relation to (i) above, the implementation of the 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 18.2.2013;
- (k) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (l) in relation to (k) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (m) 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 18.11.2012;

- (n) in relation to (m) 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 18.2.2013;
- (o) 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
- (p) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l), (m) or (n) 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.

64. 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 (DLO/YL, LandsD) that the lot owner should apply to his office to permit structures to be erected or regularize any irregularities on site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Moreover, the application site was accessible to Nim Wan Road via a local track on government land. His office did not provide maintenance works for the government land involved and did not guarantee right-of-way;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas; and the applicant should consult

DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary before commencement of the drainage works;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Nim Wan Road should be approved by the Transport Department. The agreed run-in/out at the access point at Nim Wan Road should be constructed in accordance with the latest version of Highways Standard Drawing Nos. 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 application site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the application site and Nim Wan Road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more tree species should be included and integrated with the existing mature trees so as to enrich the landscape character of the application site;
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. For other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs should be clearly marked on the building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures were erected on leased land without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Enforcement action might be taken by the Building Authority (BA) to effect removal of any unauthorized building works (UBW) in accordance with BD's enforcement policy. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO;
 - (ii) before any new building works were to be carried out on the site, prior approval and consent of BA should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) new site offices, storage and greenhouses were considered as temporary buildings subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII and formal submission under BO was required for any proposed new works, including temporary structures;
 - (iv) if the proposed use was subject to issue of licence, any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;
 - (v) the site should be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access should be provided under the B(P)R 41D; and

- (vi) since the site boundary at western corner encroached into and blocked the access to adjacent lots, the applicant's attention was drawn to BO Section 14(2); and

- (h) to note the comments of the Director of Leisure and Cultural Services that the applicant should inform the Antiquities and Monuments Office in case of discovery of antiquities or supposed antiquities in the course of excavation work, if any.

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-PS/377 Proposed Concrete Batching Plant and Minor Relaxation of Building Height Restriction in "Industrial (Group D)" zone, Lots 843 S.A, 843 S.B and 843 RP in D.D. 124 and Lots 233 RP, 235 and 236 in D.D. 127, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/377)

65. The Secretary reported that on 4.5.2012, the applicant's representative requested for a deferment of the consideration of the application for one month in order to allow time for the applicant to address the concern on traffic generated by the proposed development.

66. 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 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/TM/434 Proposed Columbarium in “Government, Institution or Community” zone,
Lot 755 S.A in D.D. 131 and Adjoining Government Land,
Tsing Shan Tsuen, Tuen Mun
(RNTPC Paper No. A/TM/434)

67. The Secretary reported that Ms. Chan Shu Ying, a Tuen Mun District Council Member, and the Tsing Shan Tsuen Columbarium Concern Group (青山村反對骨灰龕關注組) launched a petition against the application in the afternoon. A copy of the letter to the Town Planning Board was tabled at the meeting for Members’ reference.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed columbarium with 2,000 niches to be accommodated in a two-storey building;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were highlighted below:
 - (i) the District Lands Officer/Tuen Mun (DLO/TM, LandsD) stated that his site inspection on 30.3.2012 revealed that building works for a two-storey building was in progress and near completion. The said building was erected without his approval. No Certificate of Exemption (CoE) had been issued and no application of CoE had been received. The proposed columbarium development was considered in breach of the existing lease conditions governing the

Lot. If planning approval was given, the applicant would need to apply to the LandsD for a land exchange;

- (ii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) objected to the application as the existing two-storey building on the subject lot was an unauthorized building. A removal order under section 24 of the Buildings Ordinance had been issued to the owner concerned;
- (iii) the Commissioner for Transport did not agree with the conclusion given in the applicant's submission that the proposed columbarium use would not cause adverse traffic impact. Although the applicant indicated that there was no parking within the site, visitors could choose to drive to the site thus increasing the local parking demand. Moreover, possible roadside loading/ unloading activities would affect the through traffic on Wan Shan Road and Yeung Tsing Road, and the cumulative effect of similar existing establishments in the vicinity of the site should be considered. In addition, visitors using public transport might need to walk 600m including 110m village road uphill, the existing walkway might not be sufficient to cater for the increased pedestrian flow. The applicant had not provided a detailed assessment on the above traffic related issues;
- (iv) the Commissioner of Police (Tuen Mun District) did not support the application since the applicant did not provide any information on traffic management measures and the number of visitors anticipated during Ching Ming and Chung Yeung Festivals. As the existing Wan Shan Road was connecting Yeung Tsing Road and there were no parking facilities in the vicinity of the site, the operation of the proposed columbarium, as well as other columbaria in the vicinity of the site, would lead to serious traffic obstruction along Wan Shan Road. Moreover, since Wan Shan Road was not a standard road, any blockage of the road would not only cause inconvenience to local villagers of Tsing Shan Tsuen, but also jeopardise the timely

arrival of emergency vehicles;

- (v) the Director of Environmental Protection did not support the application from an environmental planning perspective. Given the proximity of the site to the air sensitive receivers, such as the village houses of Tsing Shan Tsuen and Richie House, air nuisance due to the smoke and odour emissions from the proposed furnace to the air sensitive receivers was anticipated. Moreover, the applicant did not provide any information in the submission to address the potential noise and sewerage issues;
 - (vi) the Director of Agriculture, Fisheries and Conservation had reservation on the application. He noted from the site inspection that construction works and unauthorised tree felling/ trimming were being undertaken on the site. The proposed development might cause adverse impacts on the existing trees and the applicant had not provided adequate information to address the issue; and
 - (vii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had strong reservation on the application from the landscape planning perspective. According to the landscape proposal submitted by the applicant, only one tree would be preserved which was currently surrounded by building construction works without tree protection measures. Although 13 new trees were proposed along the site boundary, most of the mature trees within the site would be removed. The landscape impact of the proposed development was likely to be significant;
- (d) during the first three weeks of the statutory publication period, a total of 188 comments were received from members of Tuen Mun District Council and Yuen Long District Council, Shea Lo Ching Shea, village representative of Tsing Shan Tsuen, residents of Tsing Shan Tsuen, nearby religious institutions, members of Wo Liu Hang Tsuen Concern Group and private individuals. All the comments objected to the application mainly

on the grounds that the proposed columbarium was too close to residential developments and temples; it would disrupt the existing tranquil environment; the smoke from the proposed furnace would generate adverse impacts to the health of nearby residents; as the access road to the site was narrow and steep, the proposed columbarium would cause traffic safety and congestion problems; and the proposed columbarium was unacceptable as it involved illegal occupation of government land and unauthorized buildings works, approval of the application would set an undesirable precedent to unauthorized columbaria; and

- (e) the PlanD's views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper. Although the proposed columbarium was generally not in conflict with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, the site was very close to existing residential developments, namely Felicity Garden and Richie House, and some scattered dwelling houses. The access to the proposed columbarium was via Wan Shan Road which was also the only access to the nearby residential developments. The activities of the proposed columbarium would cause nuisance to nearby residents and could not be considered compatible with the adjacent developments. Moreover, the proposed development did not comply with the Town Planning Board Guidelines No. 16 for ‘Developments/Redevelopments within “G/IC” zone’ in that it was not compatible with the surrounding areas in terms of land use, not sustainable in traffic terms, susceptible to adverse environmental impacts and nuisances, and involved extensive clearance of existing natural vegetation. Concerned government departments did not support/ had reservation on the application as mentioned in paragraph 68(c) above.

69. Mr. C.C. Lau briefly summarized the main points of the petition letter from Ms. Chan Shu Ying, a Tuen Mun District Council Member, and the Tsing Shan Tsuen Columbarium Concern Group (Concern Group). He said that the Concern Group raised strong objection to the application and the grounds were similar to those public comments stated in paragraph 68(d) above. In addition, the Concern Group noted that the building

works for a two-storey building was in progress, and considered that approval of the current application for columbarium use would set a precedent and encourage the approach of ‘destroy first, apply later’ (‘先違例，後申請’). In response to the Chairman’s enquiry, Mr. C.C. Lau said that as advised by the Buildings Department, the 2-storey building being erected on the site was unauthorized building works (UBWs) under the Buildings Ordinance. The Director of Lands also advised that the Certificate of Exemption (CoE) was not issued by his Department.

Deliberation Session

70. A Member said that this was a typical ‘destroy first, build later’ case, which should not be allowed. To discourage such illegal activity, this Member asked whether the applicant who undertook UBWs on the site could be penalized by not allowing him to submit planning application for a certain period of time. In response, the Secretary said that legal advice had been sought on this aspect. According to the legal advice, the Board could only take into account planning consideration relating to the use and development of land, rather than personal circumstances. It would be legally improper for the Board to reject an application due to bad track record of an applicant as this could not be taken as a relevant consideration in assessing an application. The Secretary also pointed out that it would not be difficult to get around the test by having someone with a ‘clean record’ to submit the application. In this regard, the Board had agreed at its meeting on 24.6.2011 that the ‘Clean Record Test’ should not be adopted in considering planning applications.

71. The Secretary continued to point out that legal advice had also been sought in deferment of consideration of planning application involving unauthorized development and reinstatement requirement. According to legal advice, the existing state of a site was sometimes in a ‘state of flux’, particularly when a reinstatement notice (RN) had been served under section 23 of the Town Planning Ordinance (the Ordinance) requiring the site to be reinstated to the condition as set out in the RN. In this regard, the Board had agreed at its meeting on 24.6.2011 that where an application site was subject to enforcement action and a RN had been served, the Board could take into account the expected state of the site in considering whether there were sufficient merits or planning gains to justify the application.

72. A Member enquired whether the Board could request an applicant to remove

UBWs on site before considering his planning application. In response, the Secretary said that considering of planning application by the Board and taking planning enforcement and prosecution action by the Planning Authority (PA) were two separate matters. Nevertheless, to deter ‘destroy first and build later’ activities, the Board had agreed that in considering a planning application, the Board would not take into consideration the state of a site after it was damaged but the expected state of the site after its reinstatement in compliance with RN.

73. A Member said that ‘destroy first, building later’ approach should not be encouraged. Other Members shared the view.

74. The Chairman pointed out that as the subject site was covered by Tuen Mun OZP instead of a rural OZP, the PA had no power, under the Ordinance, to undertake enforcement and prosecution actions against unauthorized development on the subject site.

75. Ms. Anita Lam of the LandsD advised that the possession of the government land which formed part of the application site had been recovered by the LandsD.

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

- (a) visitors to the proposed columbarium and residents in very close proximity shared the same access. The activities of the proposed columbarium would cause nuisance to nearby residents. The proposed columbarium could not be considered compatible with the adjacent developments;
- (b) the proposed columbarium with 2,000 niches would pose potential pedestrian and traffic impacts on the surrounding road network. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed; and
- (c) the applicant also failed to demonstrate that the proposed columbarium would not result in adverse environmental and landscape impacts on the

surrounding areas. There was no technical assessment and mitigation measure to address such impacts in the submission.

[A short break of 5 minutes was taken at this point.]

[Mr. Ivan C.S. Fu and Mr. Paul Y.K. Au left the meeting at this point.]

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/234 Temporary Private Vehicle Park (Private Cars Only)

for a Period of 1 Year in “Village Type Development” zone,

Lots 647 S.A, 647 S.B, 647 S.C, 647 S.D, 647 S.E (Part), 647 S.F (Part),

647 S.G (Part), 647 S.H, 647 RP in D.D. 130,

Lam Tei, Tuen Mun

(RNTPC Paper No. A/TM-LTY Y/234)

Presentation and Question Sessions

77. 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 temporary private vehicle park (private cars only) for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that the access road leading to the site was narrow, but there was no information in the current application to address such concern. He

requested the applicant to submit further information to demonstrate that the road width/layout was sufficient for a car park of such scale. Moreover, he required that the operation of the car park should not create disturbance/nuisance to road users on the footpath and cycle track at Castle Peak Road and all U-turn movements were to be carried out within the car park;

(d) during the first three weeks of the statutory publication period, 42 public comments were received. The public comments were summarised in paragraph 10 of the Paper and highlighted below:

(i) while a Tuen Mun District Council (TMDC) Member supported the application without giving any reason, another TMDC Member objected to the application on the grounds that there was only a small single-lane road for two-way traffic leading to Castle Peak Road; road space was insufficient to accommodate both vehicles and pedestrians during peak hours; and the site was close to residential dwellings, the emission of vehicles would affect the residents;

(ii) a Village Representative (VR) of Tuen Mun San Tsuen pointed out that as the site was at the centre of the village and all the vehicles relied on a single-lane road for two-way traffic to enter and leave the village, it would pose danger to users in the village, including pedestrians and drivers. In case of an accident in the vehicle park, such as fire, the consequences were unimaginable. A letter from the District Officer (Tuen Mun), Home Affairs Department was attached; and

(iii) the Incorporated Owners of Chik Yuen Garden and the owners/residents of Chik Yuen Garden objected to the application mainly on the grounds of narrow access road ; traffic safety concerns as there were a number of accidents involving bicycles clashing with vehicles in the past; insufficient street lights; noise nuisance caused by vehicles passing over the iron sheet at the exit of Chik Yuen Garden; and air pollution induced by the increase of vehicular traffic; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 11 of the Paper which were highlighted below:
- (i) although it might meet some of the parking needs of local villagers, the temporary development of private vehicle park was not in line with the planning intention of the “Village Type Development” (“V”) zone. There were numerous village houses/residential dwellings located adjacent to and along the access road to the site. The applicant had to demonstrate that this temporary development was compatible with the surroundings and that any possible negative impacts could be adequately addressed;
 - (ii) the site was located within a dense village cluster and vehicles accessing the site would have to weave through the village cluster via a narrow village road for about 150m. As the vehicle park was to operate on a 24-hour daily basis, given its proximity to village houses, adverse environmental impacts were expected. In this regard, the applicant had not provided any details in the submission on the measures to mitigate the potential environmental impacts. The applicant therefore failed to demonstrate that the development would not generate adverse environmental impacts on the surrounding areas;
 - (iii) the access road leading to the site was narrow, with a width of about 2.5m to 4.5m. There was no footway along the access road for pedestrians. Road safety was a concern. In this regard, the C for T commented that his concern on the narrow road had not been addressed by the applicant. Moreover, he requested the applicant to provide further information on the road width/layout and internal layout of the temporary development and required that the operation of the car park including U-turn movements should not disturb other road users. However, the applicant had not provided any information on these aspects. The Commissioner of Police had also raised concern on the

capacity of the access road and the potential effects on road safety; and

(iv) the previous Application No. A/TM-LTYT/222 for the same temporary development (providing 50 parking spaces) was submitted by the same applicant covering the subject site and the area to the east of the site. It was rejected by the Committee on 7.10.2011 on the grounds that the applicant failed to demonstrate that the temporary development would not have adverse environmental impacts on the adjacent residential dwellings and there was no information in the application to address the traffic flow/maneuvering and road safety concerns. There was no change in the planning circumstances since the rejection of the previous application. Rejecting the current application was therefore in line with the previous decision of the Committee.

78. The Chairman referred to Plan A-2 of the Paper and enquired whether two vehicle parks located to the north-west of the application site were authorized uses. In response, Mr. K.C. Kan, STP/TMYL, said that the sites were currently used for car parks and carparks without valid planning permissions.

79. In response to a Member's enquiry, Mr. K.C. Kan said that the site was currently used as a private vehicle park without valid planning permission.

Deliberation Session

80. A Member did not support the application on traffic safety grounds. The Chairman also pointed out that according to the applicant, the public vehicle park would be operated 24 hours a day, noise nuisance to the local villagers was expected during night time when car remote keys were in use.

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

(a) the site was located within a densely developed village cluster. The

applicant failed to demonstrate that the temporary development would not have adverse environmental impacts on the adjacent residential dwellings; and

- (b) the access road leading to the site was narrow. There was no information in the application to address the traffic flow/maneuvering and road safety concerns.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/199 Renewal of Planning Approval for Temporary Shop and Services (Hardware Grocery Shop and Real Estate Agency) under Application No. A/YL-MP/174 for a Period of 3 Years in “Residential (Group C)” zone, Lot 3250 S.B ss.10 S.C RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/199)

Presentation and Question Sessions

82. 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 renewal of planning approval for temporary shop and services (hardware grocery shop and real estate agency) under Application No. A/YL-MP/174, which would be valid until 22.5.2012, for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a private individual objecting to the application on the grounds that the development would increase traffic burden to the road leading to Tai Sang Wai as customers of the shop often parked their vehicles on both sides of the road; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper. Regarding the public comment objecting to the application on traffic ground, it was noted that the Commissioner for Transport had no objection to the application. If the application was approved by the Committee, the applicant would be advised to seek owners' consent on the use of Fairview Park Boulevard and Man Yuen Road.

83. In response to a Member's enquiry, Mr. K.C. Kan, STP/TMYL, referred to Plan A-2 of the Paper and said that the applicant made a renewal application for the use of the application site for both grocery shop and estate agency office.

Deliberation Session

84. In response to a Member's enquiry, the Secretary said that the current renewal application met the assessment criteria for renewal of planning approval for temporary use or development. The relevant assessment criteria set out in the Town Planning Board Guidelines on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development' (TPB PG-No. 34) was extracted in paragraph 4 and attached as Appendix II of the Paper for Members' reference.

85. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 23.5.2012 to 22.5.2015, 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) no cutting, dismantling, cleansing, repairing, compaction and workshop activity was allowed on the site at any time during the planning approval period;
- (c) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (d) the paving on the site should be maintained at all times during the planning approval period;
- (e) the existing fire service installations should be maintained in efficient working order at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2012;
- (h) the submission of a set of fire certificates (FS251) of the existing fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2012;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to seek owners' consent on the use of Fairview Park Boulevard and Man Yuen Road;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that approval had been given for a proposed Short Term Waiver (STW) to regularize the specified structures as real estate agency and hardware grocery shop. Site survey confirmed that the specified structures fell within private land and no encroachment of government land (GL) was involved. A piece of GL (about 24m² subject to verification) was included in the application site. His office would continue processing the STW application. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Moreover, access of the site abutted directly onto Yau Pok Road, off Fairview Park Boulevard. His office did not guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (e) to note the comments of the Director of Environmental Protection that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on site should be removed. The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D; and
- (g) to note the detailed comments of the Director of Electrical and Mechanical Services in Appendix V of the Paper.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-MP/200 Proposed House Development in “Village Type Development” zone,
Lot 4612 (Part) in D.D. 104, Chuk Yuen Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/200)

87. The Secretary said that on 27.4.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to resolve comments from the Environmental Protection Department.

88. 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 further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/413 Renewal of Planning Approval for Temporary Open Storage of Second Hand Motor Vehicles (including Medium Goods Vehicles and Container Tractors but excluding Trailers) for Sale and a Covered Works Area under Application No. A/YL-ST/365 for a Period of 3 Years in “Residential (Group D)” zone, Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part) and 65 RP in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/413)

Presentation and Question Sessions

89. 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 renewal of planning approval for temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area under Application No. A/YL-ST/365, which would be valid until 22.5.2012, 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 because the temporary development involved movement of medium goods vehicles and container tractors, and there were sensitive receivers (residential dwellings) in the vicinity of the site. The nearest residential dwellings was about 2.7m to the west of the site and about 7.9m to the north of the site respectively and environmental nuisance affecting the nearby residential use 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, it was noted that the water pollution complaint received in February 2012 concerning illegal discharge of polluted water from the site was rectified in March 2012 and there was no local objection received against the current application. Currently, the site had been paved and fenced by 2m high metal sheets. To address DEP's concerns and mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours, the types of vehicles, activity on-site and requiring maintenance of paving and boundary fencing were recommended. Non-compliance with any of the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.

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 from 23.5.2012 to 22.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no trailers were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no cutting, dismantling, repairing and workshop activity, including container repairs and vehicle repairs, was allowed on the site at any time during the planning approval period;
- (e) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) a vehicular access/run-in between the site and Shek Wu Wai Road should be maintained at all times during the planning approval period;
- (h) no reversing in or out from the site was allowed at any time during the planning approval period;
- (i) the existing drainage facilities on the site should be maintained at all times

during the planning approval period;

- (j) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2012;
- (k) the submission of a proposal on buffer area fronting Shek Wu Wai Road within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.11.2012;
- (l) in relation to (k) above, the provision of buffer area fronting Shek Wu Wai Road within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.2.2013;
- (m) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2012;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) 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

- (q) 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.

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

- (a) to resolve any land issues relating to the temporary 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 no approval had been given for the specified structures as two-storey site offices, a toilet and a one-storey covered works area. A portion of the site was covered by Short Term Tenancy (STT) No. 1923 permitting structures with a built-over-area not exceeding 125m² and height not exceeding 5.5m for open storage of second-hand motor vehicles (including private cars and tractors but excluding trailers) with ancillary workshop and office. No permission was given for the occupation of government land (GL) included in the site. An application for Short Term Waiver (STW) to regularize the structures on Lot 52 RP had been received. The current occupier should also apply to his office for the occupation of GL not covered by STT No. 1923. His office would continue processing the STW (and STT) applications. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Moreover, access of the site abutted directly onto Shek Wu Wai Road via a short stretch of GL. His office did not provide maintenance works for the GL involved nor guarantee right-of-way;
- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;

- (d) to note the comments of the Director of Environmental Protection that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (e) to note the detailed comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix VI of the Paper;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed; all building works were subject to compliance with Buildings Ordinance (BO); Authorized Person should be appointed to coordinate all building works; and the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in future;
- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. His other comments were given in Appendix VII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration; and
- (h) to note the comments of the Director of Electrical and Mechanical Services as detailed in Appendix VIII of the Paper.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/414 Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Trailer Park and Vehicle Repair Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 204 RP (Part), 205, 206 RP (Part), 207 to 209, 210 (Part), 211 (Part), 212 (Part), 213 RP, 214 RP (Part), 215 RP (Part), 353 (Part), 354 (Part), 355, 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 360 in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/414)

Presentation and Question Sessions

93. 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 temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park and vehicle repair workshop for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons

as detailed in paragraph 12 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 18.5.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) setting back the north-eastern boundary of the site to avoid encroachment onto the works area of “PWP Item No. 4112CD – Drainage Improvement at Northern New Territories Package A – Drainage Improvement Works in San Tin (Remaining Works)” as and when required by the Government to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) a vehicular access/run-in between the site and Castle Peak Road – San Tin should be maintained at all times during the planning approval period;

- (h) no reversing in or out from the site was allowed at any time during the planning approval period;
- (i) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (k) the submission of tree preservation and compensation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (l) in relation to (k) above, the implementation of tree preservation and compensation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (m) the submission of a proposal on buffer area fronting Castle Peak Road – San Tin within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.11.2012;
- (n) in relation to (m) above, the provision of buffer area fronting Castle Peak Road – San Tin within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.2.2013;
- (o) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012;
- (p) in relation to (o) 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 18.2.2013;

- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (r) if any of the above planning conditions (j), (k), (l), (m), (n), (o) or (p) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (s) upon 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) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (c) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such development/uses and remove the structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the specified structures as site offices, vehicle repair workshops, ancillary storage,

shelters for loading/unloading, toilet and cargo handling/forwarding facilities. The site also included some government land and no permission had been given by his office for its occupation. Only an application from the registered owner of Lot 354 in D.D. 105 for Short Term Waiver (STW) had been received. The registered owners of other relevant lots/occupier should apply for STW and Short Term Tenancy to regularize the irregularities on site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Moreover, the site abutted directly onto Castle Peak Road – San Tin. His office did not guarantee right-of-way;

- (e) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas ;
- (f) to note the comments of the Director of Environmental Protection that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (g) to note the comments of the Chief Engineer/Drainage Projects, Drainage Services Department (DSD) that site access via the entrance of the application site was necessary during the design and construction stage of DSD’s project of ‘PWP Item No. 4112CD – Drainage Improvement at Northern New Territories Package A – Drainage Improvement Works in San Tin (Remaining Works)’. The comments of the Chief Engineer/Mainland North, DSD were detailed in Appendix V of the Paper;
- (h) to note the comments of the 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 and BD was not in a position to offer comments on their suitability for the use related to the application. Before any new building works were to be carried out on

the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. An emergency vehicular access to all buildings under Building (Planning) Regulation 41D should be provided. His other comments were detailed in Appendix VI of the Paper;

- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration. His detailed comments were detailed in Appendix VII of the Paper; and
- (j) to note the comments of the Director of Electrical and Mechanical Services as detailed in Appendix VIII of the Paper.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/781 Temporary Logistics Centre and Warehouse, Recycling Centre and Open Storage of Recycled Plastics, Paper and Containers with Ancillary Container Repair and Container Machinery Repair Activities for a Period of 3 Years in “Comprehensive Development Area” and “Green Belt” zones, Lots 136 (Part), 147 (Part), 148 (Part), 149 (Part), 150 (Part), 153 (Part), 155 (Part), 157 (Part), 158 (Part), 159 (Part), 160, 161 (Part), 162, 163, 164, 165 (Part), 169 (Part), 170, 171 (Part), 172 (Part), 173 (Part), 175 (Part), 176 (Part) and 261 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/781)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre and warehouse, recycling centre and open storage of recycled plastics, paper and containers with ancillary container repair and container machinery repair activities 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, with the closest one being about 30m away, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One comment was submitted by a private individual raising objection to the application as the burning of electronic waste would release dioxins and carbon monoxide which would seriously affect human health. He was also concerned about the fire safety measures of the recycling centre. Another comment was submitted by two local residents of Ha Tsuen objecting to the application as the “Green Belt” (“GB”) zone should be preserved and illegal land filling should be avoided. They owned a farm in the vicinity of the site which was surrounded by open storage yards on illegally filled up land. The farm became a low-lying area and was not served by any proper public drainage. Although they had repeatedly lodged complaints to the relevant authority who had urged the concerned parties to remove the fillings and reinstate the site, no one took action and thus their farm could not be operated normally. Therefore, the application should be rejected. The applicant had not compensated the surrounding landowners nor obtained consents for the required drainage channels. Besides, there was no reasonable buffer

provided between their sites and the development, which had disturbed and destroyed the nearby private land;

- (e) during the statutory publication period of further information to the application, two public comments were received. One public comment was submitted by the same local residents of Ha Tsuen reiterating their objection to the application with similar views. The other comment from a local resident of Fung Kong Tsuen objected to the application mainly on the grounds that there would be environmental and drainage impacts as well as fire risk; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary logistics centre and warehouse, recycling centre and open storage of recycled plastics, paper and containers with ancillary container repair and container machinery repair activities could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although the DEP did not support the application, it was noted that there was no environmental complaint against the site over the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended in paragraphs 13.2(a) and (b) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, an advisory clause requiring the applicant to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts was recommended in paragraph 13.2(d) of the Paper.

Deliberation Session

98. A Member referred to the photograph in Plan A-4b of the Paper and said that in view of the large size of the application site (about 10,200m²), the surface water running from the site might have adverse impacts on its adjacent sites. In response, Mr. Ernest C.M. Fung,

STP/TMYL, said that the photograph was taken on a rainy day. Hence, there were some puddles on the site. Since the approval of the previous application (No. A/YL-HT/590) for open storage of containers and logistics yard on the site, there were adequate drainage measures provided to prevent surface water running from the site to its adjacent sites. The Director of Drainage Services had no in-principle objection to the proposed use from the drainage point of view. In addition, an approval condition requiring the applicant to maintain the drainage mitigation measures implemented under the previous application No. A/YL-HT/590 and to submit record of the existing drainage facilities on site had been recommended in the Paper to avoid surface water running from the site to its adjacent sites.

99. A Member said that majority of the application site (85%) fell within the “GB” zone, approving the applied use on the subject site would frustrate the planning intention of the “GB” zone. This Member said that unless the applied use was justified with very strong planning grounds, they should not be supported, even on a temporary basis. In response, Mr. Ernest C.M. Fung, STP/TMYL, said that the site fell largely within the “GB” zone (about 85%) and the applied use was not in line with the planning intention of “GB” zone. However, the subject site within the “GB” zone was generally not vegetated and had been approved for open storage of construction materials, construction vehicles and containers since 1999. The applied use was not incompatible with the areas to the east of the site which were predominantly being used for containers yards. Moreover, the site fell within Category 2 areas under the revised Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13E). According to the TPB-PG No. 13E, for Category 2 areas, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of three years.

100. The Chairman said that the Committee had previously approved five applications for similar temporary open storages within the same “CDA” zone since 1999. While temporary open storage uses were not in line with the long-term planning intention and might induce potential nuisance, a 3-year approval would be acceptable under the circumstances.

101. The Chairman asked about whether there had been extensive clearance of

vegetation in this “GB” zone prior to the first planning permission granted. In reply, Mr. Ernest Fung said he did not have such information in hand.

102. In response to a Member’s question, the Secretary said that most of the open storage uses within the “GB” and “CDA” zones around Ping Ha Road were granted with planning permission since 1997, and portion of the “GB” zone was no longer vegetated. In 2008, PlanD had undertaken a review of open storage and port back up land. The particular portion of the “GB” zone in which the site was situated was reclassified from Category 4 to Category 2 areas under the revised TPB-PG No. 13E in 2008. According to the TPB-PG No. 13E, Category 2 areas were mostly without clear planning intention or fixed development programme; to be affected by major upcoming infrastructural projects; within or close to clusters of open storage or port back-up sites which were regarded as “existing uses” and/or subject to previous planning approvals; and areas not subject to high flooding risk. Upon submission of technical assessments by the applicant and subject to no adverse departmental comments and local concerns, planning permission could be granted on a temporary basis up to a maximum period of three years. As the concerned “GB” zone fell within the Hung Shui Kiu New Development Area Study (the Study) boundary, the appropriateness of the “GB” zoning would be reviewed as part of the Study.

103. A Member asked whether the clusters of open storage use would induce traffic problem in the area. In response, Mr. Ernest Fung said that container vehicles would access the open storage sites via Ping Ha Road. The widening work of Ping Ha Road had been completed. The Commissioner for Transport had no specific view on the application from the traffic point of view.

[Ms. Anita Lam left the meeting temporarily at this point.]

104. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored on the site should not exceed 8 units at any time during the planning approval period;
- (f) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (g) 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 18.11.2012;
- (h) 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 18.11.2012;
- (i) in relation to (h) 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 18.2.2013;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2012;

- (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 18.11.2012;
- (l) in relation to (k) 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 18.2.2013;
- (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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site and the nearby lots;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval was given for the 7 structures as site office, metal porches and open-godown specified in the application form.

Vehicular access to the site requires passing through other private lots to Ping Ha Road. His office did not guarantee right-of-way. 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 the 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 the LandsD;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing and proposed trees should be clearly marked and differentiated on plan by using two different symbols in order to avoid confusion. Numbers, species and locations of the existing trees as shown on the landscape plan did tally with the actual situation as recorded during the site visit. Two trees (one along the northern boundary and the other along the eastern boundary) were found seriously damaged that replacement planting was required;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The

applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. His other advice was detailed in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, justifications should be provided for his 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 comments were detailed in Appendix V of the Paper.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/785 Temporary Open Storage of Containers for a Period of 3 Years in
"Comprehensive Development Area" zone, Lots 2427 (Part), 2430
(Part), 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2439 (Part),
2976 (Part), 2977 S.A (Part), 2977 S.B (Part), 2978 (Part), 2979 (Part)
and 2980 (Part) in D.D. 129, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/785)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers for a period of 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 because there were sensitive uses in the vicinity of the site (about 80-90m away from the site) and along the access road (Lau Fau Shan Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of containers could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there were no pollution complaints pertaining to the site received over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibiting workshop activities on-site had been recommended in paragraphs 13.2(a) to (c) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, an advisory clause requesting the applicant to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' was recommended in paragraph 13 of the Paper.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair, container repair and workshop activity, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 7 units, as proposed by the applicant, should be carried out at any time during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/612 should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2012;
- (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 18.11.2012;

- (i) in relation to (h) above, the provision of the fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.2.2013;
- (j) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, 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 and there was no guarantee that such application would be approved. 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 the LandsD. He did not guarantee right-of-way for access to the site from Lau Fau Shan Road via other private land;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the 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;
- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should

be submitted for his approval. Portable hand-operated approved appliances should be provided for storages, open sheds or enclosed structures with a total floor area of less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures and should be clearly indicated on plans. 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. The details of the open sheds for logistics use should be provided. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant should resolve any land matters (such as private lots) associated with the laying of water mains in private lots for the provision of water supply and should be responsible for the construction, operation and maintenance of any inside services within the private lots to WSD's standards.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/787 Proposed Temporary Open Storage of Construction Machinery,
Construction Material and Marble for a Period of 3 Years in
“Comprehensive Development Area” zone, Lots 111 (Part), 112 (Part),
113 (Part), 114 (Part), 115 S.A (Part), 115 RP (Part), 117 (Part), 132
(Part), 133 (Part), 134 (Part), 269 (Part) and 728 (Part) in D.D. 125, Ha
Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/787)

Presentation and Question Sessions

110. Mr. Ernest C.M. Fung, STP/TMYL, drew Members’ attention to a typo error in paragraph 13.2 (k) of the Paper, which should read as “in relation to (j) above, the implementation of the run-in/out proposal within 9 months...”. Mr. Fung 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 construction machinery, construction material and marble 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 because there were sensitive uses in the vicinity of the site in which the closest being about 1m away from the site and along access road, i.e. Ping Ha Road and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary open storage of construction machinery, construction material and marble could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected, however, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibition of workshop activities on-site had been recommended in paragraphs 13.2(a) to (c) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, an advisory clause requiring the applicant to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the adjacent areas was recommended in the Paper.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 7:00 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, melting, repairing, compaction and workshop activity should be carried out on the site at any time during the

planning approval period;

- (d) the existing trees should be maintained in good condition at all times during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (f) the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.2.2013;
- (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2012;
- (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 18.11.2012;
- (i) in relation to (h) above, the provision of the 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 18.2.2013;
- (j) the submission of a 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 18.11.2012;
- (k) in relation to (j) 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 18.2.2013;
- (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;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the low owner(s) should apply to him to permit structures to be erected or regularize any irregularities on site. If the application was approved, it would be subject to such terms and conditions including the payment of premium or fees. He did not guarantee right-of-way for access to the site from Ping Ha Road via other private land;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site to avoid queuing of

vehicles on Ping Ha Road, and no vehicle was allowed to queue back to public road or reverse onto/from public road. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains, and that the HyD should not be responsible for the maintenance of any access connecting the site and Ping Ha Road;

- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The requirements in formulating the FSI proposal were detailed in Appendix V of the Paper. 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. The applicant should also adhere to the 'Good Practice for Open Storage' in Appendix VI of the Paper. 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;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that prior approval and consent of the Building Authority (BA) should be obtained before any new building works were to be carried out on the site and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Enforcement action might be taken by the BA to effect the removal of unauthorized building works (UBW) erected on the leased land in accordance with the 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 the site under the BO. If new converted containers for site offices, storage and toilet were proposed, they were considered as temporary buildings subject to control under Building (Planning) Regulations (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures works. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/788 Proposed Temporary Open Storage of Scrap Metal and Plastic for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 41 (Part), 46 (Part), 49 (Part), 50 (Part), 51 (Part) and 52 S.B (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/788)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed temporary open storage of scrap metal and plastic 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 because there were sensitive uses in the vicinity of the site, with the closest one was about 40m away from the application site and along the access road, i.e. Lau Fau Shan Road. It was expected that there would be environmental nuisance generated by the applied use;
- (d) during the first three weeks of the statutory publication period, one public comment was received. A member of Yuen Long District Council objected to the application on the grounds that the development operated until 11:00p.m. and the movement of heavy goods vehicles and handling of metal wares would cause nuisance to the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of containers could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. DEP did not support the application as there were sensitive receivers in the vicinity of the site and along the access road and environmental nuisance was expected. However, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibition of workshop activities on-site had been recommended in paragraphs 13.2(a) to (c) of the Paper. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. As regards the adverse comments received against the application, mainly on adverse environmental impacts caused by the applied use, the environmental concerns could be addressed by way of approval conditions as recommended in paragraphs 13.2(a) to (c)

of the Paper. An advisory clause requiring the applicant to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas was recommended in the Paper.

Members had no question on the application.

Deliberation Session

115. In response to a Member's question about the uses surrounding the application site, Mr. Ernest Fung, STP/TMYL, referred to Plan A-2 of the Paper and said that the surrounding land were mainly occupied by open storage of metal ware, recyclable materials and construction materials and machineries. Planning permissions were previously granted by the Committee for these open storage uses.

116. A Member said that while it was necessary to reserve land for open storage of construction materials/scrap metals/recyclable materials, these were open storage which would cause environmental nuisance to the surrounding villages. To minimize the adverse impacts, these materials should be stored in warehouses instead. However, as the planning permission was for a temporary period of three years only, it might deter the applicant to invest on his site and provide proper storage facilities. In response, the Chairman said that should the application be approved, the Committee could consider stipulating an advisory clause requiring the applicant to undertake a proper management on the storage of scrap metal and plastic at the application site.

117. A Member noted that the application site was currently used for open storage of recyclable materials (used electronic parts/used electric appliances), which was not the same as the applied use under Application No. A/YL-HT/671 previously approved by the Committee. This Member opined that the open storage of electronic parts/used electric appliances would cause irrecoverable damages to the environment and should not be allowed. This Member enquired whether there was any enforcement action taken by the Planning Authority (PA) against the unauthorized use. The Chairman said that if it was found that the use was not in conformity with the planning approval, the planning permission would be revoked. Once revoked, the case would be subject to planning enforcement.

118. In response to the Chairman's enquiry, Mr. Ernest C.M. Fung, STP/TMYL, said that the site was currently not a subject of any active planning enforcement case. Notwithstanding, investigation was underway to ascertain whether the current use of the site constituted an unauthorized development. If confirmed positive, the PA would instigate enforcement action under the Town Planning Ordinance (the Ordinance). Mr. Fung added that, according to the applicant's submission, neither electronic waste nor electrical waste would be stored at the site. In this regard, it was recommended to stipulate approval condition i.e. no handling (including loading, unloading and storage) of electrical/electronic appliances/components would be allowed as proposed by the applicant. Should the use deviate from that approved by the Committee, such planning condition would be invoked and the planning permission would cease to have effect.

119. In response to a Member's enquiry, the Secretary clarified that consideration of planning application by the Board and undertaking planning enforcement and prosecution action by the PA were two separate matters. Even if permission was granted to a planning application by the Committee, any unauthorized development on the application site would still be subject to enforcement action to be undertaken by the PA. For the current application, the applicant had advised in his supplementary letter that neither electronic waste nor electrical waste would be stored at the site upon approval. It was recommended to stipulate an approval condition prohibiting the handling (including loading, unloading and storage) of electrical/electronic appliances/components, and computer waste on the site. Should the current use of the site constitute an unauthorized development, the PA would instigate enforcement action under the Ordinance.

120. The same Member enquired whether an applicant would be penalized when submitting a fresh application, following the revocation of an earlier planning permission involving the same site. In response, the Secretary said that in considering such application, the Board would stipulate approval conditions with shorter compliance period should it decide to approve the application. Failure to comply with the approval conditions within the time limits would result in revocation of the planning permission again. Upon its revocation, the unauthorized development on the site would be subject to enforcement action by the PA. The applicant would be advised that sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions

121. The same Member said that an approval condition should be stipulated to prohibit the storage of electronic waste or electrical waste on the site. In response, the Chairman said that the recommended approval conditions in paragraph 13.2(c) would serve the purpose.

122. A Member enquired whether the PlanD had enough manpower resources in undertaking enforcement action against the unauthorized development and monitoring the compliance of approval conditions. In response, the Chairman said that the Revocation Monitoring System had been set up assisting District Planning Offices (DPOs) in monitoring the compliance of planning condition. Moreover, the Central Enforcement and Prosecution (CEP) Section of PlanD would take enforcement and prosecution actions against the unauthorized developments. Mr. Ernest Fung added that, upon receiving the proposals from the applicant for fulfillment of approval conditions, DPOs would circulate the submissions to the concerned government departments for consideration. In addition, as part of their site visits, DPOs would check the progress on compliance with approval conditions and whether there was any unauthorized development at the sites. If non-compliance was detected, the applications would be revoked without further notice. DPOs would then notify the CEP section to take necessary enforcement action if there was any suspected unauthorized development on site.

123. The Chairman concluded that Members generally had no objection to approve the application with conditions on a temporary basis. In view of Members' concern, an advisory clause requiring the applicant that 'there should be proper management of operation regarding open storage of scrap metal and plastic at the application site' would be stipulated.

124. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair, container repair and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) 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, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (e) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (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 18.11.2012;
- (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 18.2.2013;
- (i) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2012;
- (j) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.11.2012;

- (k) in relation to (j) above, the provision of the fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 18.2.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) there should be proper management of operation regarding open storage of scrap metal and plastic at the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval was given for the 2 specified structures as site office and storage use. No permission was given for the occupation of government land (GL) (about 235m² subject to verification)

included in the site. The site was accessible to Fung Kong Tsuen Road via an informal track on GL and other private land. His office did not guarantee right-of-way. The lot owner would still need to apply to his office to permit the structures to be erected or irregularities on site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by the 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 the LandsD;

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval and the requirements were given in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be submitted for his 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. His other comments were detailed in Appendix V of the Paper.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/789 Proposed Temporary Open Storage of Plastic and Metal and Storage of Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 770 S.A (Part), 770 S.B, 771 S.B ss.3 (Part), 817 S.A RP (Part) and 817 S.B RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/789)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of plastic and metal and storage of used electrical appliances 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 because there were sensitive uses immediately abutting the site and along the access road (Ping Ha Road) and environmental nuisance was expected. According to the applicant’s submission, all used electrical appliances would be stored within

concrete-paved covered structures so as to minimize environmental impacts that might be arising from the proposed use. Along with proper handling of these materials, these measures were considered essential in preventing soil and ground water contaminations to the surrounding ground, and should therefore be strictly put in place at large. However, it was noted that the used electrical appliances were being disassembled on-site which could not be tolerated;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there was no pollution complaint pertaining to the site received over the past three years despite that the site had been used for open storage/logistics transit centre since 1999. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and the handling of electrical/electronic appliances on-site were recommended in paragraphs 13.2(a) to (e) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority.

127. Members had no question on the application.

Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 7:00 p.m. and 8:00 a.m., as proposed by

- the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (c) 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, as proposed by the applicant, was allowed on the site at any time during the planning approval period;
 - (d) no dismantling/disassembling of electrical/electronic appliances was allowed on the site at any time during the planning approval period;
 - (e) handling (including loading, unloading and storage) of electrical/electronic appliances on the site, as proposed by the applicant, should be carried out within concrete-paved covered structures at all times during the planning approval period;
 - (f) the drainage facilities implemented on the site under Application No. A/YL-HT/527 should be maintained at all times during the planning approval period;
 - (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
 - (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.6.2012;
 - (i) 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 18.11.2012;

- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2013;
- (k) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.11.2012;
- (l) in relation to (k) above, the implementation of the run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 18.2.2013;
- (m) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (n) in relation to (m) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (o) 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;
- (p) if any of the above planning conditions (g), (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the open storage of plastic and metal and storage of used electrical appliances with ancillary workshop under application. It did not condone to the dismantling/disassembling of used electrical/electronic appliances currently being carried out on-site or any other use/development which currently existed 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;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner should apply to him to permit structures to be erected or regularize any irregularities on-site, including the occupation of government land involved. If the application was approved, it would be subject to such terms and conditions including the payment of premium/fees as might be imposed by the LandsD. His office did not provide maintenance works for nor guarantee right-of-way through the informal access track between the site and Ping Ha Road;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and

maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in should be constructed in accordance with the latest version of Highways Standards Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement; and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval and the requirements were given in Appendix V of the Paper. 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. The applicant should also adhere to the 'Good Practice for Open Storage' in Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;
- (i) 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 the BD's enforcement policy. 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 temporary structures, and an Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The temporary site office, warehouse and open sheds 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. 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. 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

- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applied use should not affect the nearby wooded area to the south of the site.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/273 Proposed Public Utility Installation (Pad Mounted Transformer Pillar)
in “Village Type Development” zone, Government Land in D.D. 104,
Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/273)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed public utility installation (pad mounted transformer pillar);
- (c) departmental comments – concerned 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); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for the reasons as detailed in paragraph 11 of the Paper.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.5.2016, 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 condition :

- the submission and implementation of landscape proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that approval should be sought from his office for an excavation permit;
- (b) to note the comments of the Director of Electrical and Mechanical Services that the 'Code of Practice (COP) 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 line. There was an existing town gas transmission pipe running along San Tam Road which might

affect the proposed development. For any development near town gas transmission pipes, the applicant should note the requirements of his department's 'COP on Avoiding Danger From Gas Pipes' and maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the existing and planned gas pipes routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines during the design and construction stages of development; and

- (c) to note the comments of the Director of Health that according to the World Health Organization (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998) would not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by the transformer. WHO also encouraged effective and open communication with stakeholders and exploration of low-cost ways of reducing exposures. Verification of actual compliance with the ICNIRP guidelines, by the project owner or the Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the transformer.

[Ms. Anita Lam returned to join the meeting at this point.]

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/379 Temporary Warehouse for Musical Instruments and Posters of
Concerts for a Period of 3 Years in "Agriculture" and "Industrial
(Group D)" zones, Lots 812 S.A (Part) and 813 S.A (Part) in D.D. 107,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/379)

Presentation and Question Sessions

134. 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 temporary warehouse for musical instruments and posters of concerts for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 10:00 a.m. from Mondays to Fridays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays was allowed on the

site during the planning approval period;

- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) 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;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012;
- (f) in relation to (e) 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 18.2.2013;
- (g) 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;
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (i) 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with other concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Short Term Waiver Nos. 3411 and 3412, both for the purpose of the applied use, were granted on Lot 812 S.A and 813 S.A respectively. The lot owner concerned should apply to his office if any additional/excessive structures were to be erected or any irregularities to be regularized on the site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee as might be imposed by the LandsD. The site was accessible from San Tam Road via private land and government land (GL). LandsD did not provide maintenance works for this GL nor guarantee right-of-way;
- (d) to adopt environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department (TD). The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD

and seek consent from the relevant owners before the commencement of any drainage works to be carried out outside his lot boundary ;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that adverse impact to the fish pond near the site should be avoided. The applicant should prevent polluting the fish pond during operation, for example by controlling site run-off if necessary. Besides, the site was adjacent to a mature *Ficus virens var. sublaceolata* (黃葛樹). The applicant should adopt necessary measures to prevent damaging this tree as far as practicable;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Electrical and Mechanical Services that prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the

Buildings Ordinance (BO) and should not be designated for use under the application. Before any new building works were to be carried out on the site, prior approval and consent of the Building Authority should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. It appeared that the site did not abut on a specified street having a width of not less than 4.5m wide. The development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. 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. For unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect their removal. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. The proposed structure might be considered as temporary buildings and were subject to control under the B(P)R Pt. VII; and

- (k) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs to be installed should be clearly marked on the layout plans. For other storages, open sheds or enclosed structure with a total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration.

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/380 Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Type Development” zones, Government Land in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/380)

Presentation and Question Sessions

138. 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 house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agriculture point of view as there were active agricultural activities in the vicinity of the site and the site had high potential for agricultural rehabilitation;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for the reasons as detailed in paragraph 12 of the Paper. Although DAFC did not support the application, there was no active agricultural activity on the site. The proposed development was not

incompatible with the general setting of the area which was mixed with agricultural land, ponds, existing/planned village houses and vacant/unused land.

139. Members had no question on the application.

Deliberation Session

140. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 18.5.2016, 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 condition :

- the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that LandsD acting in the capacity as landlord might approve the Small House application at its discretion and, if such approval was granted, it would be subject to the terms and conditions, including the payment of premium and administrative fee, as imposed by the LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance. An Authorized Person should be appointed for the site formation and communal drainage works;
- (c) to note the comments of the Director of Fire Services that the applicant should follow the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' issued by the LandsD; and

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/381 Renewal of Planning Approval for Temporary Open Storage of Construction Machinery, Private Vehicles and Vehicle Parts under Application No. A/YL-KTN/328 for a Period of 3 Years in “Residential (Group D)” zone, Lots 629 S.T, 629 S.U, 630 S.B ss.16 and 630 S.B ss.17 in D.D. 110, Shek Kong San Tsuen, Kam Tin Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/381)

Presentation and Question Sessions

142. 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 renewal of planning approval for temporary open storage of construction machinery, private vehicles and vehicle parts under Application No. A/YL-KTN/328, which would be valid until 5.6.2012, for

a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.6.2012 to 5.6.2015, 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 9:30 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were allowed on the site at any time during the planning approval period;
- (d) no stacking of vehicle or vehicle parts above 2.5m should be carried out on

the site at any time during the planning approval period;

- (e) no reversing of vehicle into or out from the site was allowed at any time during the planning approval period;
- (f) the existing run-in should be maintained at all times during the planning approval period;
- (g) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2012;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) was not complied with

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

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that a short term waiver was granted on Lots 629 S.T and 629 S.U for the purpose of use ancillary to temporary open storage of construction machinery, private vehicles and vehicle parts with structures of built-over area not exceeding 259.72m² and height not exceeding 4.5m. The lot owner concerned should apply to the LandsD to permit any structures to be erected or regularize any irregularities on the site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee as might be imposed by the LandsD. Besides, the site was accessible to Kam Tin Road via private land and government land (GL). The LandsD did not provide maintenance works on this GL nor guarantee right-of-way;
- (b) to adopt the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;

- (d) to note the comments of the Director of Electrical and Mechanical Services that prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should prevent damaging those trees at the edge of/ adjacent to the site during operation as far as practicable; and
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed FSIs should be clearly marked on the layout plans. The applicant should adhere to the good practice guidelines for open storage sites as detailed in Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/558 Temporary Open Storage of Freezer Vehicles, Air-conditioned Compartments and Spare Parts of Cooling Machinery Components for Vehicles for Sale, and Installation and Maintenance Workshop for Freezer Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part), 409 and 410 (Part) in D.D. 106, Pat Heung, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/558)

Presentation and Question Sessions

146. 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 temporary open storage of freezer vehicles, air-conditioned compartments and spare parts of cooling machinery components for vehicles for sale, and installation and maintenance workshop for freezer vehicles 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 receivers, i.e. residential structures, located in the vicinity of the site with the nearest one being about 40m away to the southwest, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a local villager raising objection to the

application as the container vehicles of the applied use would cause road safety problem to the children and the elderly; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 18 months for the reasons as detailed in paragraph 12 of the Paper. While the DEP did not support the application, no environmental complaint was received in the past three years and no local objection on environmental grounds was received during the statutory publication period. To address DEP's concerns, approval conditions restricting operation hours and prohibiting paint spraying activity were recommended in paragraphs 13.2(a) to (c) of the Paper. Any non-compliance with approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Although the previous approval (Application No. A/YL-KTS/485) was revoked due to non-compliance with approval conditions on landscaping, drainage and fire safety aspects, some landscape plantings had been implemented within the site and the applicant stated that fire extinguishers had been provided for the office, storerooms and workshops within the site. Shorter compliance periods were proposed to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. As regards the local objection on road safety ground, the proposed development was considered not incompatible with the surrounding land uses and concerned government departments had no adverse comments on the application.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months, instead of 3 years, until 18.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no paint-spraying activity should be carried out on the site at any time during the planning approval period;
- (d) the submission and implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (e) the submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (f) 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 29.6.2012;
- (g) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (j) upon 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.

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

- (a) a shorter approval period was granted to monitor the situation on the site and shorter compliance periods were imposed so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issues relating to the development with the concerned owner of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long that no approval had been given for the structures used as office, store rooms/staff common room, shed for vehicles, workshop and hanger. Letter of Approval (L of A) No. MT/LM 2588 on Lot 404 was issued permitting the erection of agricultural structures. Should the use be changed, the Lands Department (LandsD) would consider cancelling the L of A accordingly. The lot owner(s) should apply to the LandsD to permit any structures to be erected or regularize any irregularities on the site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee as imposed by the LandsD. Moreover, the site was accessible from Kam Sheung Road over private land and government land (GL). The LandsD did not provide maintenance works on this GL nor guarantee right of way;

- (e) 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 Environmental Protection Department to minimise any potential environmental nuisances;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practice should be adopted and necessary measures should be implemented during operation to prevent polluting the nearby watercourse as far as practicable;
- (g) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest 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;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval and the requirements were given in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration. Moreover, to address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251)

for his approval;

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

- (k) to note the comments of the Director of Electrical and Mechanical Services that 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 cables (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 electricity supply lines.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/563 Temporary Open Storage of Vehicles and Vehicle Parts for a Period of 3 Years in "Residential (Group D)" zone, Lots 702 S.C (Part), 703, 704 S.B RP (Part) and 705 S.B RP (Part) in D.D. 106 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-KTS/563)

Presentation and Question Sessions

150. 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 temporary open storage of vehicles and vehicle parts 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 receivers, i.e. residential structures, located to the immediate north and west 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); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there was no substantiated environmental complaint received in the past three years and no local objection was received during the statutory publication period. To address DEP's concern , approval conditions restricting operation hours and prohibiting medium/heavy goods vehicles or container trailers/tractors and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended in paragraphs 13.2(a) to (d) of the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 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) 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;
- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (g) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;

- (h) in relation to (g) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (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 29.6.2012;
- (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 18.11.2012;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;

- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given for the structures used as shed for storage and container office and store room and no permission had been given for the occupation of government land (GL) within the site. The owner and occupier of the GL concerned should apply to the LandsD to permit structures to be erected or regularize the irregularities on the site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee as might be imposed by the LandsD. Moreover, the site was accessible from Shek Kong Airfield Road over GL. LandsD did not provide maintenance works on this GL nor guarantee right of way;
- (d) 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 Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was an ecological mitigation planting area between the site and Kam Shui North Road. The applicant should adopt necessary measures to prevent damaging the trees and under-storey vegetation adjacent to the southwestern boundary of the site;
- (f) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not cause adverse drainage impact on the adjacent areas;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval and the requirements were given in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that 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 the electricity supply lines.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/564 Proposed Temporary Training Centre for Construction Industry for a Period of 3 Years in “Village Type Development” zone, Government Land in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/564)

Presentation and Question Sessions

154. 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 training centre for construction industry for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. One public comment from the village representative of Yuen Kong Tsuen stated that the villagers and village representatives objected to the proposed training centre as the site was located amidst Yuen Kong Tsuen and very close to village dwellings. They worried that the training centre would bring nuisance to the villagers and cause conflicts. The other comment was submitted by a private individual objecting to the application as the development would attract strangers to the village; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year for the reasons as

detailed in paragraph 11 of the Paper. The proposed training centre was for providing training for the construction trade in levelling. Only classroom teaching and practice in operating the levelling equipments and measurement tools would be carried out on-site, but no noisy activities, such as drilling or ground breaking, would be involved. The development would unlikely cause adverse environmental, traffic, landscape, drainage and fire safety impacts on the surrounding areas. Relevant government departments had no adverse comments on the application. However, as the site was close to village dwellings and the practical training would be conducted at the open yard of the site, it was uncertain whether nuisance would be generated to the surrounding areas. In this regard, a shorter approval period of one year was proposed to monitor the situation on the site. To minimize any possible environmental nuisance generated by the proposed development, approval condition restricting the operation hours was also recommended. As regards the local objections against the application, it was noted that the site was fully fenced off on its own and it would be occupied by about 40 people of the proposed training centre at a time only. Access to the site was through a local track leading from Kam Sheung Road to the south which would only pass by a few village houses. While it was expected that the proposed development might not generate significant nuisance to the surrounding village dwellings, a shorter approval period of one year had been proposed to monitor the situation.

155. Members had no question on the application.

Deliberation Session

156. The Chairman pointed out that the proposed training centre would provide both classroom teaching and levelling practice by using levelling instrument (i.e. dumpy level) and theodolite. There would be no noise generated from using such equipment. As compared with operation of a primary school, these trainings would have less noise nuisance to the villagers. In this regard, should the planning application be approved, consideration could be given to approving it for three years, instead of one year as recommended by PlanD. The Chairman also said that in order to address the concerns from the local villagers, Members

could consider stipulating approval condition that 'no noisy activities, such as drilling or ground breaking, as proposed by the applicant, should be carried out on the site'. If the applicant did not comply with the approval condition or if there was any substantiated complaint from the local villagers regarding the noise nuisance brought by the training centre during the approval period, the approval given should be revoked.

157. A Member enquired about whether the training school would be operated in weekends and public holidays. In response, Ms. Bonita K.K. Ho, STP/TMYL, said that according to the applicant's submission, the operation hours of the training centre were between 8:00am and 5:00pm on Mondays to Fridays, and between 8:00am and 1:00pm on Saturdays. The centre closed on Sundays and public holidays. This Member also suggested that the approval condition should be stipulated to reflect no operation of training centre on Saturday afternoon, Sundays and public holidays. Other Members agreed.

158. A Member asked about whether it was necessary to stipulate an approval condition stating that only levelling practice could be provided in the training centre. The Chairman said it would not be necessary as the application was approved on terms as submitted, and according to the applicant, only levelling practice would be provided in the training centre.

159. The Chairman noted that Members generally agreed that a temporary approval period of three years, instead of one year as recommended by PlanD, could be granted. In order to address public concern on the possible nuisance of the training centre caused to the local villagers, an approval condition that 'no noisy activities such as drilling or ground breaking, as proposed by the applicant, should be carried out on the site' would be stipulated in the planning permission.

160. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 5:00 p.m. and 8:00 a.m. on Mondays to Fridays, as proposed by the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Saturdays (after 1:00 p.m.), Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no noisy activities such as drilling or ground breaking, as proposed by the applicant, should be carried out on the application site during the planning approval period;
- (d) the submission and implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (e) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (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; and
- (h) 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.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant should apply to LandsD for a Short Term Tenancy (STT). If such application was approved, it would be subject to such terms and conditions including the payment of rent or

administrative fee as might be imposed by LandsD. The site area was subject to verification;

- (b) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the same local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Environmental Protection that appropriate pollution control measures should be adopted to minimize any potential environmental impacts during the minor renovation works of the vacant school. A full set of the 'Recommended Pollution Control Clauses for Construction Contracts' was available at his departmental website. Moreover, the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should be followed;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that there were a number of very mature native trees within or adjacent to the site. Necessary measures should be adopted during construction/renovation and operation to preserve and maintain the trees;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs 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 relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant should provide justifications for his consideration;

- (g) 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 (BA) for the structures existing at the site. It seemed that the school buildings had been under the management/maintenance by the Architectural Services Department. Before any new building works were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. 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 (B(P)R) 19(3) at the building plan submission stage. Moreover, 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 applied use was subject to the issue of a licence, any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier 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 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/565 Proposed Two Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lot 1186RP (Part) in D.D. 113, Tai Wo Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/565)

Presentation and Question Sessions

162. 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 two houses (New Territories Exempted Houses (NTEH) - Small Houses);
- (c) departmental comments – departmental comments were set out in Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there were active agricultural activities in the vicinity of the site and the site had high potential for agricultural rehabilitation;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons as detailed in paragraph 12 of the Paper. The proposed development of two Small Houses was not in line with the planning intention of the “Agriculture” zone. In this regard, the DAFC did not support the application. No strong planning justification had been given in the submission for a departure from such a planning intention. The application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the site was entirely outside the “Village Type Development” (“V”) zone and there was no general shortage of land in meeting the demand of Small House development in the “V” zone covering Tai Wo and Cheung Po. Since there was sufficient land in the “V” zone for Tai Wo and Cheung Po to meet the estimated Small House demand, the current application did not warrant sympathetic consideration. Besides, the District Lands Officer/Yuen Long, Lands Department advised that cross-village Small House application would be considered for the applicants who claimed themselves as indigenous villagers of “Wang Toi Shan Wing Ning Lei”. In this regard, the applicants had not demonstrated in the submission why suitable sites in the areas zoned “V” within Pat Heung (including the “V” zone for Wang Toi Shan Wing Ning Nei) could not be made available for the proposed development.

163. In response to a Member's query, Ms. Bonita Ho said that the Small Houses in the vicinity of the site as mentioned in the applicant's submission were all approved in the 1990s before the Interim Criteria were first promulgated in 2000. Regarding the land ownership issue, it was not a relevant factor in the consideration of Small House applications.

Deliberation Session

164. 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 “Agriculture” zone on the Outline Zoning Plan, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and

- (b) the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that there was no shortage of land within the “Village Type Development” (“V”) zone of Tai Wo and Cheung Po to meet the demand forecast for Small House development. The applicants failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/171 Temporary Shop and Services (Trading of Second-hand Construction Machinery with Ancillary Money Lending Office) for a Period of 3 Years in “Industrial (Group D)” zone, Lots 658 S.B ss.1 and 658 S.B RP in D.D. 114, 2 Wong Chuk Yuen, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/171)

Presentation and Question Sessions

165. 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 temporary shop and services (trading of second-hand construction machinery with ancillary money lending office) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council member objecting to the application as delivery of heavy machinery would generate noise nuisance to the nearby residents and the proposed money lending office was not in line with the planned industrial use at the site; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 11 of the Paper. Regarding the public comment against the application on environmental ground, there was no environmental complaint concerning the site received in the past three years. To mitigate the potential environmental impacts, approval conditions restricting the operation hours, requiring the maintenance of a proper vehicular access/run-in and prohibiting vehicle reversing at the public road were recommended in paragraphs 12.2(a) to (d) of the Paper.

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 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) a proper vehicular access/run-in between the application site and the public road should be maintained at all times during the planning approval period;
- (d) no vehicle reversing in to or out from the application site was allowed at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.11.2012;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 18.2.2013;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.11.2012;
- (h) in relation to (g) 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 18.2.2013;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.11.2012;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.2.2013;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied

with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that Lot 658 S.B ss.1 in D.D. 114 was covered by Short Term Waiver (STW) No. 2883 for the purpose of storage of construction machinery with permitted built-over area (BOA) not exceeding 245m² and building height not exceeding 5.5m, and Lot 658 S.B RP in D.D. 114 was covered by STW No. 2884 for the purpose of storage of construction machinery with permitted BOA not exceeding 19m² and building height not exceeding 5m. His office reserved the right to take appropriate action should any breach of the conditions of the STW be found. Besides, Modification of Tenancy (MOT) No. M7881 was granted on both lots permitting structures for storeroom and accommodation purposes. Should the use of these structures be found changed, his office would consider cancel the MOT accordingly. The lot owners concerned should apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee as might be imposed by LandsD. Moreover, the site was accessible via a short stretch of government land leading to Lam Kam Road. His office did not provide maintenance works on the

government land nor guarantee right-of-way;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the site fell within the project limit of the 'Upgrading of Remaining Section of Kam Tin Road and Lam Kam Road';
- (c) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that necessary measures should be adopted to prevent polluting the watercourse to the northeast of the site during operation, and the trees at the edge of the site should be preserved as far as practicable during operation;
- (e) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. In formulating the FSIs proposal, 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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;
- (f) to note the comments of the 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, 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 BA to effect their removal in accordance with the BD's enforcement policy. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Temporary structures used for office/storage were considered as temporary buildings that were subject to control of the BO. Formal submission under the BO was required for any proposed new works, including temporary structures. The applicant should also note the requirements on the provision of emergency vehicular access to all buildings under Building (Planning) Regulation 41D; and

- (g) to note the comments of the Director of Electrical and Mechanical Services that for sites 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 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/588 Temporary Open Storage of Construction Machinery and Materials, Scrap Vehicles, Vehicle Parts, Mobile Toilets and Recyclable Materials (including Metal, Paper and Plastic Goods) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2707 to 2711 in D.D. 120, Lots 1638 to 1640, 1664, 1665, 1666 (Part), 1667 (Part), 1668, 1669, 1671 to 1675, 1676 S.A and 1676 S.B in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/588)

Presentation and Question Sessions

169. 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 temporary open storage of construction machinery and materials, scrap vehicles, vehicle parts, mobile toilets and recyclable materials (including metal, paper and plastic goods) 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 receivers of residential uses to the west and south and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council member objecting to the application as the operation of the ancillary workshop

would generate noise and dust nuisances to the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application and there were two environmental complaints against the site in 2009 and 2010, the water pollution problem was found stopped after DEP's prosecution action in September 2010 and the site had been fenced off from the surrounding areas. Moreover, the applicant proposed not to operate the site during night-time between 7:00 p.m. and 7:00 a.m. and on Sundays and public holidays as well as not to use heavy goods vehicles for the operation of the site. It was expected that the development would not generate significant environmental impacts on the surrounding areas if the proposed mitigation measures were implemented accordingly. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting the carrying out of non-ancillary workshop activities and storage of electronic waste, and restricting the use of heavy goods vehicles were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority. Regarding the public comment against the application on environmental ground, relevant approval conditions had been recommended to mitigate the potential environmental impacts.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 18.5.2015, 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 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning

approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, except ancillary sorting and packaging activities as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) 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 on the application site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities implemented under Application No. A/YL-TYST/416 on site should be maintained at all times 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 18.11.2012;
- (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 18.11.2012;
- (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 18.2.2013;

- (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 29.6.2012;
- (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 18.11.2012;
- (l) in relation to (k) 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 18.2.2013;
- (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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;

- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners and the occupiers of the government land concerned should apply to his office to permit structures to be erected or regularize any irregularities on-site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that 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 Shan Ha Road;
- (f) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the locations and numbers of the existing trees as shown on the submitted landscape and tree preservation

plan (Drawing A-2 of the Paper) were found not tally with the actual situation on-site. Moreover, stored materials were found stacked around the tree base causing damages to the trees or jeopardizing their healthy growth. All the stored materials should be kept a minimum 1m away from the tree base. In addition, the tree preservation proposal to be submitted should include tree maintenance works for some trees (such as removal of dead branches, opening of metal fence around the tree trunk and replacement planting), protection measures for the existing trees (such as railing or guarding around the tree base), and an as-planted plan to reflect the actual locations and numbers of trees on-site;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The requirements on formulating the FSIs proposal were given in Appendix V of the 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, the applicant should provide justifications for his consideration;
- (j) to note the comments of the 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, 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 BA to effect their removal in accordance with the BD's enforcement policy. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Temporary open sheds used for storage were considered as temporary buildings that were subject to the control of the BO. Formal submission under the BO was required for any proposed new works, including temporary structure. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (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 the Director of Electrical and Mechanical Services that for sites 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 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/589 Renewal of Planning Approval for Temporary “Open Storage of Construction Equipment (including Containers) with Minor Repairing Works for Containers” Use under Application No. A/YL-TYST/431 for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lot 319 in D.D. 119, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/589)

Presentation and Question Sessions

173. 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 renewal of planning approval for temporary open storage of construction equipment (including containers) with minor repairing works for containers use under Application No. A/YL-TYST/431, which would be valid until 5.6.2012, 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 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); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a further period of three years for the reasons as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint received against the site in the past three years. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting the use of heavy goods vehicles were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site would be subject to enforcement action by the Planning Authority.

174. In response to a Member's question regarding the procedures of publication of planning application, Mr. W.W. Chan, DPO/TMYL, said that all information included in an application would be made available for public inspection after the application was received. The Town Planning Board (the Board) would publish a notice once a week in two daily Chinese and one daily English local newspaper during the first three weeks of the public inspection period and cause a site notice to be posted in a prominent position on or near the application site. For applications of major local significance, a notice might also be mounted to a roadside railing in the locality of the application site. In addition, as an administrative measure, a notice informing the public about the availability of the application for public inspection would also be uploaded to the Town Planning Board's website, posted at the Secretariat of the Board, the Planning Enquiry Counters of the PlanD, relevant District Planning Offices, District Office, Rural Committee office during the first three weeks of public inspection period. Moreover, the notice would also be sent to the Owners' Corporation or other committee of the buildings within 100 feet from the boundary of the application site.

Deliberation Session

175. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.6.2012 to 5.6.2015, 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 5:30 p.m. and 8:30 a.m., as proposed by

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

- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, 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;
- (d) the stacking height within the application site should not exceed 7.5m, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.12.2012;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 5.12.2012;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 5.3.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of

commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.7.2012;

- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.12.2012;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.3.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

176. 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 site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners should apply to his office to permit structures to be erected or regularize any irregularities on-site. If

such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way;

- (c) 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;
- (d) to note the comments of the 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 public roads;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. The requirements on formulating FSIs proposal were given in Appendix VI of the 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 , justifications should be provided for his consideration;

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

- (i) to note the comments of the Director of Electrical and Mechanical Services that for sites 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 46

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Sessions Only)]

A/TM/387-13 Application for Extension of Time for Compliance with Planning
Condition for three months – Proposed Columbarium in “Government,
Institution or Community” zone, Tuen Mun Town Lot 392,
Tsing Shan Tsuen, Tuen Mun

Presentation and Question Sessions

177. With the aid of a plan, Mr. C.C. Lau, STP/TMYL, presented the application and covered the main points as detailed in the Paper:

Application for Extension of Time for Compliance with Approval Condition (b)

- (a) on 21.8.2009, the planning application No. A/TM/387 for columbarium use at the application site was approved with conditions by the Rural and New Town Planning Committee. The concerned approval conditions (a) to (f) were set out in paragraph 1 of the Paper;
- (b) on 5.4.2012, the applicant submitted a s.16A(2) application for extension of time (EOT) for compliance with approval condition (b), namely, the submission and provision of the design of emergency vehicular access, water supply for fire fighting and fire services installations (FSI) within six months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board (the Board);
- (c) the applicant had previously submitted 12 EOT applications for compliance with the subject approval condition and the compliance period had been extended from six months to a total of 33 months until 21.5.2012;
- (d) under the subject EOT application, the applicant requested to extend the compliance period for another three months until 20.8.2012 so as to

implement the approved FSI. The justifications submitted by the applicant were summarized at paragraph 3 of the Paper. DFS had been consulted and had no objection to the subject EOT application;

Revocation of the Planning Permission

- (e) according to approval condition (a) imposed by the Board, the applicant was required to submit and provide emergency vehicular access, water supply for fire fighting and FSI prior to the commencement of operation of the columbarium use to the satisfaction of the DFS or of the Board. It was also stated in condition (e) that ‘if the above planning condition (a) is not complied with during the approval period, the approval hereby given would cease to have effect and shall on the same date be revoked without further notice’;
- (f) the applicant had not yet provided water supply for fire fighting and FSI to the satisfaction of DFS or of the Board. However, PlanD conducted a site inspection on 4.4.2012 and found that the columbarium use on the application site had commenced operation. The applicant had, therefore, failed to comply with approval condition (a). In accordance with approval condition (e), the approval of the subject application had ceased to have effect and had been revoked. On 17.5.2012, the Secretary of the Board informed the applicant of the revocation of the planning approval; and

Advice Sought

- (g) the Board should not consider the subject s.16A application as the planning permission no longer existed at the time of consideration.

178. In response to the Chairman’s enquiry, Mr. C.C. Lau said that during the site inspection conducted by PlanD on 4.4.2012, it was found that some of the niches in the columbarium had been occupied. On each of the occupied niches, a photograph of a person(s) with a inscriptions were found signifying that it was a ‘niche’ (靈龕). Besides, there were also people worshipping, burning joss sticks and joss papers. The columbarium use at the application site had commenced operation. The Secretary said that the subject

planning application was approved with conditions by the Board in 2009. Subsequently, PlanD received a public complaint that the columbarium use on the application site had commenced operation. In response to PlanD's enquiry, the applicant informed PlanD that the niches at the application site were used as a memorial box to keep the mementos of the deceased and no ashes of cremated bodies had been allowed to be stored in the niches. However, based on the evidence gathered at the site inspection and legal advice sought from Department of Justice, PlanD considered that the columbarium use at the application site had commenced operation. As the applicant had not yet provided water supply for fire fighting and FSI to the satisfaction of the DFS or of the Board prior to the commencement of operation of the columbarium use, he had failed to comply with approval condition (a). In accordance with approval condition (e), the approval of the subject application had ceased to have effect and had been revoked. Members noted.

Deliberation

179. The Chairman concluded and Members agreed that the Board could not consider the subject s.16A application as the subject planning permission no longer existed at the time of consideration. In view of the Committee's decision, the Secretary said that the subject application form would be returned to the applicant. Members then went through the reason for not considering the subject s.16A planning application as stated in paragraph 5.3 of the Paper and considered that it was appropriate.

180. After further deliberation, the Committee decided that the s.16A application under No. A/TM/387-13 should not be considered and the reason was as follow :

- the planning permission under application No. A/TM/387 had been revoked and had ceased to have effect. The Board could no longer consider the s.16A application No. A/TM/387-13 as the planning permission no longer existed at the time of consideration.

[The Chairman thanked Mr. W.W. Chan, DPO/TMYL, Mr. Vincent T.K. Lai, Mr. C.C. Lau, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Ms. Bonita Ho, STP/TMYL, for their attendance to answer Members' enquires. Messrs. Chan, Lai, Lau, Kan, Fung and Ms. Ho left the meeting at this point.]

181. There being no other business, the meeting closed at 5:30 p.m..