

TOWN PLANNING BOARD

Minutes of 488th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.5.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Ms. Anita W.T. Ma

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. F.C. Chan

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

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. K.F. Tang

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. W.K. Yau

Mr. Ivan C.S. Fu

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

Chief Town Planner/Town Planning Board
Mr. Edward W.M. Lo

Town Planner/Town Planning Board
Mr. William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 487th RNTPC Meeting held on 3.5.2013

[Open Meeting]

1. The draft minutes of the 487th RNTPC meeting held on 3.5.2013 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

[Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan, Mr. C.T. Lau and Mr. Anthony K.O. Luk, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

[Prof. Edwin Chan and Ms. Christina Lee arrived to join the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/338 Proposed Filling of Land (about 0.2m to 1.2m in depth) for Agriculture Use and Two On-Farm Domestic Structures in “Green Belt” zone, Lot 624 in D.D. 98, Tin Sum Tsuen, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/338A)

Presentation and Question Sessions

3. Ms. Maggie M.Y. Chin, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling of land (about 0.2m to 1.2m in depth) for agriculture use and two on-farm domestic structures;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted as follows:
 - (i) Commissioner for Transport (C for T) could not offer his support to the application at this stage. The application site with an area of 607m² was a relatively large area and the required amount of earth fill might generate a large amount of construction traffic. According to the applicant's information on the transport arrangement for the proposed filled material, the applicant relied heavily on the existing narrow village track (Kwu Tung South Road, with a width of about 2.3m to 5m) to the north of the application site. In this regard, the applicant should check the land status of the road/path/track to be occupied with the lands authority. The management and maintenance responsibilities of the same road/path/track should also be clarified with the relevant lands and maintenance authorities accordingly;
 - (ii) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view while he had no in principle objection to the agricultural use which was permitted in "GB" zone. According to his site visit on 24.1.2013, it was found that vegetation on the site and its adjacent areas had been cleared. A large area had been filled by excavated soil and debris which were

not suitable for crop farming. As the applicant had not provided information on the type of soil to be used and the treatment on the filled land, the likely landscape impact on the application site could not be fully ascertained. As there was no information on the construction details of the two 2-storey on-farm domestic structures and the access for construction works, the likely impact on the site and its vicinity could not be ascertained. Moreover, the two on-farm domestic structures would occupy a significant portion of the site intended for agricultural use. It was considered impractical to impose landscape approval condition to this application should it be approved by the Board;

- (iii) Director of Agriculture, Fisheries and Conservation (DAFC) advised that the materials used for filling of land for agricultural purpose as claimed by the applicant had to be suitable for crop cultivation. Provided that the application for proposed filling of land was for genuine agricultural use, there was no strong view on the application from the perspectives of agricultural development and nature conservation. His recent site inspection on 15.4.2013 revealed that the application site and its adjoining area had been filled by stones and yellow soil, covered by a sheet of white non-woven fabric. It was believed that the concerned land filling was not conducted from the perspective of cultivation as the filled materials used contained a lot of stones which would damage farming machines/tools. The application site was not suitable for crop cultivation unless the stones were removed. Considering the filling materials found on site, he opined that the Site was not filled for agricultural purpose. He had no record of the applicant as a farmer. The applicant had not provided information to demonstrate that the proposed filling of land was necessary for crop cultivation on the site. Besides, the applicant had not provided any information on the type of soil to be used for the proposed land filling. In this regard, he had concern that the site would be further damaged by filling of materials which was not suitable for cultivation; and

- (iv) Director of Environmental Protection (DEP) advised that two complaints against excavation and land filling were received in December 2012 and January 2013;
- (d) during the first three weeks of the statutory publication period, a total of 23 public comments were received from a North District Council (NDC) member, World Wide Fund for Nature Hong Kong (WWF), Designing Hong Kong Limited, Kadoorie Farm and Botanical Garden Corporation (KFBG), a villager of Kwu Tung Village and 18 members of the general public. The NDC member had indicated 'no comment on the application', whereas one member of the general public supported the application as the application site had been used for agricultural purposes; the application would encourage agricultural activities; and it was necessary to fill the land and construct two farm houses for storage of tools for agricultural use. The other commenters objected to / expressed concerns on the application on the grounds that the proposed development was incompatible with the character of the area as well as the planning intention of "Green Belt" ("GB") zone which should be adhered to; vegetation clearance/tree felling as well as suspected land filling, site formation and excavation works at the application site had been/might be carried out; the original habitat of the application site (i.e. marsh/seasonal wetland) should have potential ecological importance; the natural environment and the ecological value of the site had been destroyed; the approval of the application would set an undesirable precedent for similar applications within "GB" zone in the locality; there was no overriding need for filling of land and construction of on-farm domestic structures as this was not a genuine farming project; there was lack of infrastructure (e.g. road and sewerage system) for farming or living on site and the narrow village road would be overloaded by dump trucks; the filling of land would cause flooding and mud flow to low-lying areas; the filling materials would pollute surrounding water bodies; no assessment had been conducted to assess impacts on low-lying areas; and the application which adopted "destroy first" approach should be rejected to let the public know that such approach would not help the approval of the application.

- (e) no local objection/view was received by the District Officer (North); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper and were summarized below :
 - (i) according to the Notes of the OZP, 'Agricultural Use' and 'On-Farm Domestic Structure' were always permitted within "GB" zone. However, any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 or the uses or developments always permitted under the covering Notes required planning permission from the Board;
 - (ii) the planning intention of the "GB" zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. According to Town Planning Board Guidelines for Application for Development within "GB" Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), development in the "GB" zone should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, and adversely affect drainage or aggravate flooding in the area;
 - (iii) based on the aerial photo taken in September 2012 (Plan A-3 of the Paper), the application site was originally a green area covered by natural vegetation. However, extensive vegetation clearance and land filling/excavation works at the application site and its adjacent areas had been carried out. The excavation of land was an unauthorized development (UD) and the current application was regarded as a "Destroy First, Build Later" case. The application should therefore be assessed taking this background and other site-specific circumstances into account. The approval of the

application might have implications on the nearby area which had been subject to suspected unauthorized land filling/excavation works;

- (iv) according to the site inspections conducted by PlanD and DAFC, the natural vegetation on the site and its adjacent area had been cleared. The whole area had been filled by stones and yellow soil with patches of grass on the site. Based on the filled material found, DAFC considered that the site was not suitable for crop cultivation unless the stones which would damage farming machines/tools were removed. Given that the applicant had not provided any information on the type of soil to be used for the proposed land filling under application, DAFC had concern that the site would be further damaged by filling of materials which was not suitable for cultivation. Besides, DAFC had no record of the applicant as a farmer and the applicant had not provided any information on the type of crop to be grown on the site. There was insufficient justification for the proposed filling of land for genuine agricultural purpose;

- (v) although the proposed agricultural use and two on-farm domestic structures for habitation of two farmers were considered not incompatible with the surrounding land uses which were predominantly rural in nature with fallow agricultural land, unused land and vegetated sloping areas with some domestic structures (Plan A-2 of the Paper), the applicant failed to provide information on the type of soil to be used and the type of crop to be grown on the site. Besides, there was no detail on the construction of the two proposed on-farm domestic structures and the access for the construction works. In this regard, CTP/UD&L, PlanD had reservation on the application as the likely landscape impacts on the site and its vicinity could not be ascertained;

- (vi) C for T advised that the required amount of earth fill might generate a large amount of construction traffic, and did not support the proposed development as the applicant relied heavily on the existing narrow village track (Kwu Tung South Road, with a width ranging from 2.3m to 5m) to facilitate the proposed filling of land. In this regard, the applicant had failed to demonstrate that the proposed development would not cause significant adverse traffic impacts on the surrounding area;
- (vii) there was no similar application for filling of land in Kwu Tung South area. The approval of the application would set an undesirable precedent for similar applications within “GB” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding areas; and
- (viii) although there was no local objection conveyed by District Office (North), there were public comments against the application mainly on land use compatibility, traffic, environmental and drainage grounds, as well as adoption of “destroy first” approach by the applicant to facilitate approval of application. In addition, two complaints against excavation and land filling in relation to the application site were received by DEP in December 2012 and January 2013.

4. In response to the Chairman’s query, Ms. Maggie Chin said that excavation of land at the application site without planning permission from the Board was an unauthorized development (UD). The Chief Town Planner/Central Enforcement and Prosecution, Planning Department (CTP/CEP, PlanD) had posted a warning letter at the site on 31.1.2013. On 14.3.2013, CTP/CEP, PlanD found that the excavation works at the application site had been discontinued and on 9.5.2013, part of the site had been covered by grass.

Deliberation Session

5. 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 Town Planning Board (TPB) 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 in a “Green Belt” (“GB”) zone, and land filling would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. There was insufficient information in the submission to demonstrate that the proposed land filling was for genuine agricultural purpose;
- (b) extensive clearance of existing natural vegetation and land filling had been involved at the application site and affected the existing natural landscape. The applicant had failed to demonstrate that the proposed development would not cause adverse traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding areas.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/418 Temporary Open Storage of Construction Materials (Steel Bars) for a
Period of 3 Years in “Agriculture” zone, Lots 10 (Part) and 11 RP
(Part) in D.D. 46, Sha Tau Kok Road - Ma Mei Ha
(RNTPC Paper No. A/NE-TKL/418B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the applied temporary open storage of construction materials (steel bars) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted as follows:
 - (i) Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
 - (ii) Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint. Although the site was currently occupied as an open storage, it had high potential for agricultural rehabilitation;
 - (iii) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had reservation on the planning application as the existing earth filling of the river channel would obstruct the river

flow and would cause flooding to the nearby public road and private lot even though the existing pipe capacity had been checked by a consultant; and

- (iv) Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation to the application from the landscape planning perspective. With reference to his recent site visit, the site was hard paved for storage of steel bars and there was no tree or vegetation in the site. Some existing trees were scattered around the site boundary. According to the aerial photo taken in 2011 and the site plans, the site was surrounded by farmland. The application site was situated in a rural landscape character dominated by farmland and village houses. Although significant disturbance to existing landscape resources was not anticipated, the proposed use was incompatible with the surrounding environment. Approval of the proposed development might set an undesirable precedent of spreading open storage site in the area and would thus erode the rural landscape character of the surroundings;

- (d) during the first three weeks of the statutory publication period, four public comments were received. One of the commenters from a North District Council member supported the application as it could fulfil the need of the concerned villagers, while the others were from the Chairman of Sha Tau Kok District Rural Committee, 大塘環境關注組 and the Resident Representative (RR) of Tai Tong Wu raised objection to the application on the similar ground in para. 6(e) below;

- (e) there were local objections/views received by the District Officer (North). The Chairman of Fanling District Rural Committee, the Indigenous Inhabitant Representatives (IIR) of Wang Shan Keuk, RR of Tai Tong Wu, the RRs of Leng Tsui, the Sha Tau Kok District Rural Committee, the Representative of 大塘環境關注組, a resident of Pak Tin New Village and some other citizens raised objection to the application on the grounds that the proposed use would have adverse impacts to the nearby residents on

traffic aspect and noise and water pollution; the owner had been using the application site for storage of steel bars without valid planning permission since 5 months ago; and setting of undesirable precedent if the application was approved to change the use from agriculture to warehouse use. The North District Member and the IIR of Leng Tsui supported it while the RR of Wang Shan Keuk, the IIR of Ma Mei Ha and the RR of Ma Mei Ha had no comment on it. Additional comment on the application were on the grounds that the Board should carefully consider the application as storage use would require a large amount of transportation that might cause traffic congestion, and Sha Tau Kok Road was the major highway; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper and were summarized below :
 - (i) according to the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13E) promulgated by the Board on 17.10.2008, the application site fell within Category 3 areas where applications falling within Category 3 areas would normally not be favourably considered unless the applications were on sites with previous planning approvals;
 - (ii) the development under application was not in line with the planning intention of the "AGR" zone. DAFC did not support the application from an agricultural development standpoint as the site had high potential for agricultural rehabilitation. The applicant had not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (iii) the application did not comply with TPB PG-No. 13E in that there was no previous planning approval for similar open storage use granted to the application site and DEP did not support the application as there were domestic structures in the vicinity of the

application site with the nearest two located about 15 m to the west and south and environmental nuisance to the nearby resident was anticipated (Plan A-2 of the Paper). Moreover, local objections due to environmental concern had been received against the development under application on traffic safety and environmental nuisance grounds. The applicant had not submitted any assessments/ proposals to demonstrate that the development would not cause adverse environmental impacts on the surrounding area. CTP/UD&L, PlanD also had reservation on the application from the landscape point of view in that the development under application was not compatible with the surrounding rural character which was dominated by farmland and village houses. Approval of the proposed development might set an undesirable precedent of spreading open storage site in the area and would thus erode the rural landscape character of the surroundings;

- (iv) the proposed ingress/egress was located above Ng Tung River and was the subject of a suspected unauthorized filling of a section of the Ng Tung River tributary. C for T had no comment on the proposed vehicular arrangement to / from the site. However, CE/MN of DSD had reservation on the planning application as the existing earth filling of the river channel would obstruct the river flow and would cause flooding to the nearby public road and private lot;
- (v) there were four similar applications within the same “AGR” zone which were considered by the Committee / the Board between 1998 to 2010. Three of these applications were rejected by the Committee / the Board mainly on the grounds that the applications were not in line with the planning intention of the “AGR” zone; no strong planning justification in the current submission for a departure from the planning intention; insufficient information to demonstrate no adverse impacts on the surrounding areas and setting of undesirable precedent. The only approved case No.

A/NE-TKL/76 which was located at the western part of the “AGR” zone, was approved in 1998 on the grounds that the application involved the relocation of an existing timber workshop due to the Government’s land resumption program to make way for drainage projects; and no adverse departmental comments were received regarding the proposed development. As there were no other similar applications within this part of “AGR” zone which had been approved by the Committee, the approval of the application would set an undesirable precedent for similar applications, the cumulative effect of approving these applications would result in a general degradation of the environment of the area; and

- (vi) as regard the public comments received, the responses had been provided in paras 6(f)(iii) and (iv) above;

7. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, 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 in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous planning approval had been granted to the application site; there

were adverse departmental comments and local objection on the application and the applicant had failed to demonstrate that the development would not generate adverse landscape, drainage and environmental impacts on the surrounding areas; and

- (c) approval of the application would set an undesirable precedent for other similar applications within this part of the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/NE-LYT/508 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1806 S.A RP in D.D. 76, Kan Tau Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/508)

9. The Secretary reported that on 30.4.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for revising the design on the disposition of the proposed Small House and septic tank in order to address the Chief Engineer/Mainland North, Drainage Services Department’s technical concerns.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-LT/466

Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 653 S.B in D.D. 8, Ma Po Mei, Lam Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/466B)

11. The Secretary reported that on 20.5.2013, the applicant requested the Board to defer making a decision on the application for one month in order to allow time for the preparation of further information to address the concerns of Environmental Protection Department and Water Supplies Department on the applicant’s submission. She continued to say that since the first deferment requested by the applicant, the applicant had submitted further information including details on sewerage connection from the proposed Small House to the public sewerage system.

12. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted 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 the Committee had allowed a further period of one month as requested in addition to two months previously granted (i.e. a total of three months) to the applicant for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/470 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 271 S.A ss.1, 271 S.A ss.2, 271 S.A ss.3 and 271 S.A ss.4 in D.D. 10, Pak Ngau Shek Ha Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/470A)

Presentation and Question Sessions

13. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed four houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the site did not fall within the ‘Village Environs’ (‘VE’) of Pak Ngau Shek Ha Tsuen but more than 50% of the respective lots for Houses 1 to 3 fell within the “Village Type Development” (“V”) zone while less than 50% of House 4 at Lot 271 S.A ss.4 fell within “V” zone (Plan A-2 of the Paper). He had no objection to the proposed Houses 1, 2, and 3 but did not support House 4. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as part of the site within “Agriculture” (“AGR”) zone had high potential of rehabilitation for agricultural activities;
- (d) during the first three weeks of the statutory publication period, 7 public comments were received. They included opposing comments from WWF Hong Kong, Designing Hong Kong, petition letter signed by indigenous

villagers of Ha Pak Ngau Shek Tsuen, residents of Lam Tsuen and an environmental group (菇菌園). They objected to the application mainly on the following grounds:

- (i) the proposed development would cause adverse impact on the water quality and agricultural land;
 - (ii) the unlimited expansion of Small House developments would increase vehicular traffic in Lam Tsuen area;
 - (iii) the proposed development would contaminate the nearby stream and would have impacts on the ecosystem and biodiversity of the area; and
 - (iv) there was a lack of parking spaces, proper access road and a sustainable layout for village development.
- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the proposed Small Houses at Lots 271 S.A ss.1, 271 S.A ss.2 and 271 S.A ss.3 in D.D. 10 (House 1, House 2 and House 3), but did not support the proposed Small House at Lot 271 S.A ss.4 in D.D. 10 (House 4) based on the assessments as detailed in paragraph 11 of the Paper which were summarized below :
- (i) the site for proposed Small Houses development straddled an area zoned the “V” (64%) and “AGR” (36%). The site fell entirely outside the ‘VE’ of Sheung Pak Ngau Shek and Ha Pak Ngau Shek. About 96%, 100%, 100% and 73% of the respective footprints of House 1 (at Lot 271 S.A ss.1), House 2 (at Lot 271 S.A ss.2), House 3 (at Lot 271 S.A ss.3) and House 4 (at Lot 271 S.A ss.4) fell within the “V” zone (Plan A-2 of the Paper).

- (ii) whilst Small House development was permitted as of right under the “V” zone, the planning intention of the “AGR” zone was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the application as part of the site fell within the “AGR” zone and had high potential for rehabilitation of agricultural activities;

- (iii) this was an application related to cross-village Small House developments within the same Heung. The applicants were Indigenous Villagers of Shui Wo and Wong Yue Tan. According to DLO/TP of LandsD’s records, the number of outstanding Small House applications for Sheung Pak Ngau Shek and Ha Pak Ngau Shek Tsuen was about 8 while the 10-year Small House demand forecast for the concerned villages was 110. From the latest estimate by Planning Department, about 4.56 ha (or equivalent to about 182 Small House sites) of land were available within the “V” zone of Sheung Pak Ngau Shek and Ha Pak Ngau Shek. Therefore, there was sufficient land in meeting the future Small House demand in the concerned “V” zone (about 2.95 ha or equivalent to about 118 Small House sites). While DLO/TP of LandsD had no objection to Houses 1, 2 and 3, he did not support House 4 as the subject lot (Lot 271 S.A ss.4) fell entirely outside ‘VE’ and less than 50% within “V” zone;

- (iv) the site was located on the periphery of the “V” zone in Pak Ngau Shek Ha and there were a few village houses at 45m away to the west of the site. The site was generally flat and covered with natural vegetation. The area to the east was mainly fallow and active agricultural land (Plans A-2 and A-3 of the Paper). It was considered that the proposed Small Houses were not incompatible with the surrounding rural environment. Chief Town Planner/Urban

Design and Landscape of PlanD had no objection to the application as there was no significant vegetation within the site and adverse impact on landscape resources was not anticipated;

- (v) the site fell within Water Gathering Grounds (WGG). Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) had no objection to the application and Chief Engineer/Project Management, Drainage Services Department (CE/PM of DSD) advised that public sewers were planned in the vicinity of the site under the DSD's Project 4332 DS, 'Lam Tsuen Valley Sewerage', and it was technically feasible for the applicants to extend their sewers to connect to the public sewerage system via adjacent private/government land in future. In the submission, the applicants proposed to construct the septic tanks/soakaway system within "V" zone. Both Director of Environmental Protection (DEP) and Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2) of WSD) had no objection to the applicant's proposal as septic tanks could be provided within the "V" zone in accordance with the requirements as stipulated in Professional Persons Environmental Consultative Committee Practice Notes No. 5/93;

- (vi) strictly speaking, the proposed Small Houses did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories as there was no general shortage of land within the "V" zone to meet Small House demand. However, considering that House 1, House 2 and House 3 were located close to the existing village cluster and had 96%, 100% and 100% of their respective footprint falling within "V" zone, sympathetic consideration could be given to these Small House developments. As for House 4 located on the southern side of the site, since less than 50% of the subject lot 271 S.A ss.4 fell within "V" zone and DLO/TP did not support the proposed Small House development, it did not warrant the same sympathetic consideration; and

- (vii) there were public comments objecting to the application mainly on water quality, environment, ecological and traffic grounds. Commissioner for Transport, DEP, CE/MN and CE/PM of DSD and CE/Dev(2) of WSD had no adverse comment on the application.

14. In response to a Member's query, Mr. C.T. Lau said that should the proposed Small Houses be approved, the land available to meet Small House demand within the corresponding "V" zone as detailed in para. 11.3 of the Paper would be updated by deducting the site area of the approved Small Houses.

Deliberation Session

15. After deliberation, the Committee decided to partially approve the application, only for the proposed Small Houses at Lots 271 S.A ss.1, 271 S.A ss.2 and 271 S.A ss.3 in D.D. 10. (House 1, House 2 and House 3) but excluding the proposed Small Houses at Lot 271 S.A ss.4 in D.D. 10 (House 4), on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 24.5.2017, 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) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

16. The Committee also agreed to advise the applicant of the following :
- (a) the applicants should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed New Territories Exempted House (NTEH)/Small House to the planned sewerage system via the relevant private lots;
 - (b) to note the Director of Environmental Protection's (DEP) comments that:
 - (i) the applicants should construct the septic tanks/soakaway systems within the "Village Type Development" ("V") zone in compliance with the ProPECC PN 5/93; and
 - (ii) the applicants should proceed with sewer connection when the future public sewer was available;
 - (c) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
 - (i) septic tank and soakaway pit systems might be permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of DEP. Any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds;

- (ii) the proposed septic tank and soakaway system should be within the application site and within the “V” zone;
 - (iii) since the proposed NTEHs/Small Houses were less than 30m from the nearest water course, the houses should be located as far away from the water course as possible;
 - (iv) the whole of foul effluent from the proposed NTEHs/Small Houses should be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes; and
 - (v) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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;
- (d) to note the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department’s (DSD) comments that:
- (i) public stormwater drain was not available for connection in the vicinity of the application site. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicants at their own expense. The applicants were required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and
 - (ii) village sewerage works in Pak Ngau Shek Ha Tsuen would be carried out under DSD’s project 4332DS “Lam Tsuen Valley Sewerage – Stage 2” and was scheduled to be started in 2013 for

completion in 2016/2017 tentatively subject to land acquisition progress. There was no existing public sewerage system connection available to the proposed four NTEHs now. Public sewers would be laid under the current DSD project scheme 4332DS. In technical point of view, the applicants would need to fill up the ground to catch up the sewerage invert and extend their sewer to the nearest connection points of the proposed sewerage system by themselves via other private/government land if they would like to discharge their sewage into the public sewerage system. The above information was preliminary and would be subject to revision due to actual site situation;

- (e) to note the Director of Fire Services' comments that the applicants were reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (f) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicants were reminded to make necessary submissions to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (g) to note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comments that the access road from Lam Kam Road to the application site was not maintained by HyD; and
- (h) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicants 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.

17. The Committee also decided to reject the proposed Small House at Lot 271 S.A ss.4 in D.D. 10 (House 4). Members went through the reasons for rejection as stated in paragraph 12.2 (II) of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that there was still sufficient land available within the “V” zone to fully meet the future Small House demand; and
- (b) the applicant failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed development.

[Dr. Wilton Fok arrived to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/441 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government Land in D.D. 27, Sha Lan, Shuen
Wan, Tai Po
(RNTPC Paper No. A/NE-TK/441)

Presentation and Question Sessions

18. Mr. C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective. The construction of the proposed house would likely involve cutting of slopes/building of raised platform and the associated work activities, and would affect the surrounding natural vegetated slopes. No information had been provided to demonstrate the extent of formation works required and the potential adverse impacts on existing landscape resources. Approval of this application would attract more Small House applications encroaching onto the subject green belt and leading to further degradation of existing landscape resources in the area. Also, as the house footprint occupied the entire site area, there would be no space for mitigation planting and landscaping. A landscape condition did not seem to be practical and was therefore not recommended;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A public comment, submitted by the Indigenous Inhabitant Representative of Sha Lan, supported the application as there was insufficient land available within the village to meet the indigenous villagers' Small House demand. The other two comments, submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation, objected to the application on the grounds that the site was well vegetated and located at the periphery of a woodland; the proposed development was not in line with the planning intention of "Green Belt" ("GB") zone and did not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance'; approval of the application would cause cumulative adverse impacts on the subject "GB" zone; and there was a lack of access and

parking spaces in the area;

- (e) no local objection/view was received by the District Officer (Tai Po); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment as detailed in paragraph 12 of the Paper which were summarized below:
 - (i) the proposed development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
 - (ii) according to the District Lands Officer/Tai Po, Lands Department's (DLO/TP, LandsD) record, the total number of outstanding Small House applications for Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan was 60 while the 10-year Small House demand forecast for the same villages was 546. Based on the latest estimate by the PlanD, about 3.33 ha (or equivalent to about 133 Small House sites) of land were available within the “V” zone of Shuen Wan Chan Uk, Lei Uk, Chim Uk and Sha Lan. Therefore, the land available could not fully meet the future Small House demand of about 15.15 ha (or equivalent to about 606 Small House sites);
 - (iii) the site was located on the lower part of a densely vegetated slope on government land zoned “GB” at the fringe of Sha Lan “V” zone. The areas to the immediate north and west of the subject site were hillslopes overgrown with trees and shrubs forming a green buffer between Sha Lan Villas and Sha Lan Village. The site was about 3m above the level of those Small Houses within “V” zone to the south of the site. As the construction of the proposed Small House and the associated site formation works would likely involve

clearance of natural vegetation and cutting of slopes affecting an area larger than the application site, the CTP/UD&L of PlanD objected to the application from landscape planning perspective. No information had been provided to demonstrate the extent of formation works required and the potential adverse impacts on the existing landscape resources;

- (iv) although the proposed Small House footprint fell entirely within the 'Village Environs' ('VE') and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria in that the proposed development would cause adverse landscape impact on the surrounding areas. The proposed Small House also did not comply with the TPB-PG No. 10 for development within "GB" zone in that the proposed development and its associated site formation works would affect the existing natural landscape on the surrounding environment. Approval of the application would encourage similar Small House applications in the green belt area which would encroach onto the remaining natural vegetated slope and leading to further degradation of the landscape quality in the surrounding area;
- (v) the site was the subject of a previous Application No. A/NE-TK/365 for development of a NTEH (Small House) submitted by a different applicant. The application was rejected by the Committee on 6.12.2011 for reasons of being not in line with the planning intention of the "GB" zone; not complying with the Interim Criteria and the TPB PG-No. 10 in that the proposed development would involve clearance of vegetation and site formation works that could cause adverse impacts on the surrounding natural landscape; and setting of undesirable precedent. There was no change in planning circumstances since the rejection of this application.
- (vi) there were four similar applications No. A/NE-TK/280, 306, 300 and 320 for Small House development located in the immediate vicinity

of the application site (Plan A-2 of the Paper). Applications No. A/NE-TK/300 and 320, which were approved on 5.3.2010 and 24.9.2010 respectively, were partly located within the “V” zone and at a certain distance away from the natural hillsides and the edge of the existing woodland. Hence, their impacts on the surrounding landscape would be insignificant. Applications No. A/NE-TK/280 and 306, which were located entirely within the “GB” zone and near the steep natural hillsides and the existing woodland, were rejected by the Board on review on 11.9.2009 and 11.6.2010 respectively. The current application should warrant similar considerations as Applications No. A/NE-TK/280 and 306 because they were located at the similar terrain level and close to the steep natural hillsides covered with trees and shrubs. Moreover, as the site was the subject of a previously rejected application and there had been no change in planning circumstances, there was no strong planning justification to merit sympathetic consideration of the current application; and

- (vii) there were one public comment supporting the application and two public comments objecting the application, which had been taken into account in the assessments made in paragraphs above.

19. In response to the Chairman’s query on the location of the house under construction as shown on the site photo No. 1 on Plan A-3a of the Paper, Mr. C.T. Lau referred to Plan A-2 and pointed out the location of the house which was to the southeast of the application site outside the “GB” zone.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applicant failed to provide information in the submission to justify a departure from this planning intention;
- (b) the application did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve site formation works and clearance of vegetation that would affect the existing natural landscape on the surrounding environment; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/NE-TK/442 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Recreation” zone, Lot 1366 in D.D. 17 and Adjoining
Government Land, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/442)

21. The Secretary reported that on 21.5.2013, the applicant requested the Board to defer making a decision on the application for a period of two months in order to allow more time to address comments raised by the Drainage Services Department.

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/818 Government Refuse Collection Point with a Proposed Underground Cesspool in “Village Type Development” zone, Government Refuse Collection Point at Tsok Pok Hang San Tsuen, Tsok Pok Hang Road, Sha Tin

(RNTPC Paper No. A/ST/818)

Presentation and Question Sessions

23. 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 applied government refuse collection point with a proposed underground cesspool;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory publication period, one comment from a Sha Tin District Councilor was received who provided no

comment. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. There was only one public comment received indicating no comment on the application.

24. Members had no question on the application.

Deliberation Session

25. 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 24.5.2017, 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.

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

- (a) to note the comments of the Director of Water Supplies that an existing water main would be affected and the applicant should carry out the diversion works affected by the proposed development. Details of the diversion works should be approved by the Director of Water Supplies; and
- (b) to note the comments of Director of Environmental Protection on sewer diversion and proper maintenance of the facilities.

[The Chairman thanked Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan, Mr. C.T. Lau and Mr. Anthony K.O. Luk, STPs/STN, for their attendance to answer Members' enquires. Ms. Chin, Mr. Chan, Mr. Lau and Mr. Luk left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, 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.]

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/442 Renewal of Planning Approval for Temporary “Public Vehicle Park (excluding container vehicle)” for a Period of 3 Years (letting of surplus parking spaces to non-residents) and Temporary Relaxation of GFA restrictions (for Siu Hong Court) in “Residential (Group A) 20” and “Residential (Group A)” zones, (a) Wu King Estate, Tuen Mun
(b) Siu Hong Court, Tuen Mun
(RNTPC Paper No. A/TM/442)

Presentation and Question Sessions

27. The Secretary reported that the application was submitted by the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

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|---|--|
| Mr. K.K. Ling
(Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and the Building Committee (BC) of HKHA |
| Ms. Anita Lam
as the Assistant Director of
the Lands Department | - being an alternate member for the Director of Lands who was a member of HKHA |

- | | |
|---|---|
| Mr. Frankie Chou
as the Chief Engineer of the
Home Affairs Department | - being an alternate member for the Director of
Home Affairs who was a member of the SPC
and Subsidized Housing Committee of HKHA |
| Professor Edwin H.W. Chan | - being a member of the BC of the HKHA |
| Mr. H.F. Leung | - had current business dealings with Housing
Department |
| Ms. Janice Lai | - had current business dealings with HKHA |
| Dr. Wilton W.T. Fok | - a consultant of a feasibility study (completed
in 2009) commissioned by HKHA |

28. As Dr. Wilton W.T. Fok had no direct involvement in the subject application, Members agreed that he could be allowed to stay in the meeting. Members also agreed that the interests of Mr. K.K. Ling, Ms. Anita Lam, Mr. Frankie Chou, Prof. Edwin Chan, Mr. H. F. Leung and Ms. Janice Lai were direct and they should leave the meeting temporarily for this item. The Vice-chairman chaired the meeting for this item.

[Mr. K.K. Ling, Ms. Anita Lam, Mr. Frankie Chou, Prof. Edwin Chan, Mr. H. F. Leung and Ms. Janice Lai left the meeting temporarily at this point.]

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

- (a) background to the application – the application was a renewal application of temporary planning approval under application No. A/TM/397 which was valid until 28.5.2013;
- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) for a period of three years from 29.5.2013 to 28.5.2016 (letting of surplus parking spaces to non-residents) and the applied temporary relaxation of GFA restrictions (for Siu Hong Court);

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment from the Designing Hong Kong Limited was received. The commenter stated that the benefits of utilizing vacant parking spaces were appreciated. Since the car parks were built for the residents of the adjacent housing estates, parking spaces for non-residents should be allowed only when the demand of residents was fully satisfied at affordable parking fees to avoid forcing them to undertake unauthorised parking in the vicinity. Also, the applicant had repeatedly applied for renewal and approval was granted. The use was in fact permanent and the temporary status was not appropriate. Therefore, the applicant should submit application for permanent use;
- (e) no local objection/view was received by the District Officer (Tuen Mun); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. As regards the public comment received from the Designing Hong Kong Limited, approval conditions had been recommended in that priority would be accorded to residents and the number of car parking spaces to be let to non-residents should be agreed with Commissioner for Transport. Granting of temporary approval would allow continuous monitoring of the parking demand of the estates.

30. In response to a Member's query, Mr. C.C. Lau said that a public commenter suggested that the subject applicant should submit an application for permanent use. However, PlanD was of the view that approval of the planning application on a temporary basis was more suitable as it would allow continuous monitoring of the parking demand of the concerned housing estates.

Deliberation Session

31. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.5.2013 to 28.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) priority should be accorded to the residents of Wu King Estate and Siu Hong Court in the letting of the surplus vehicle parking spaces; and
- (b) the proposed number of parking spaces to be let to non-residents should be agreed with the Commissioner for Transport.

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

- (a) to note the District Lands Officer/Tuen Mun's comments that one car parking space in Siu Hong Court was reserved for the use by the Government and its location was acceptable to the Commissioner of Police;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the parking spaces and associated passage, lift lobby and staircases should be included in the non-domestic gross floor area calculation and the resultant plot ratio (PR) of the site should not exceed the maximum permitted PR under the First Schedule of Building (Planning) Regulations;
- (c) to review and keep a record of the conditions of the use of parking spaces regularly so as to ensure good management in utilizing the public resources and avoid exploiting the right of letting of monthly vehicle parking spaces in the vehicle park by the residents; and
- (d) consideration might be given to letting the vacant vehicle parking spaces to non-governmental organizations for other uses so as to fully utilize the vacant vehicle parking spaces in the subject housing estates.

[Mr. K.K. Ling, Ms. Anita Lam, Mr. Frankie Chou, Prof. Edwin Chan, Mr. H. F. Leung and Ms. Janice Lai returned to join the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/YL-PS/407 Proposed Residential Development in “Undetermined” zone, Lot 636
S.B ss.5 in D.D. 124, Kiu Tau Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/407)

33. The Secretary reported that Environ Hong Kong Ltd. and MVA Hong Kong Ltd. were the consultants of the applicant. Mr. Ivan Fu, who had current business dealings with both companies, had declared an interest in this application. The Committee noted that Mr. Fu had tendered apologies for not attending the meeting.

34. The Secretary reported that on 3.5.2013, the applicant requested the Board to defer making a decision on the application for a period of two months in order to allow time for him to prepare further information to address the comments of concerned Government departments, including Chief Architect/Advisory & Statutory Compliance, Architectural Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department on visual impact issues.

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

Agenda Items 13 and 14

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/846 Temporary Open Storage (Metal Ware) for a Period of 3 Years in
“Comprehensive Development Area” zone, Lots 43 (Part), 192 S.A ss.1
(Part), 192 S.A RP (Part), 192 S.B ss.1 (Part) and 192 S.B RP (Part) in
D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/846)

A/YL-HT/851 Temporary Open Storage (Metal Ware) for a Period of 3 Years in
“Comprehensive Development Area” zone, Lots 37 (Part), 41 (Part), 42
(Part), 43 (Part), 44 (Part), 45 (Part), 46 (Part), 47 (Part), 49 (Part), 50
(Part) and 51 (Part) in D.D. 128, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/851)

Presentation and Question Sessions

36. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to each other within the same “Comprehensive Development Area” zone. The Committee agreed that these two applications could be considered together.

37. Mr. Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the applied temporary open storages (metal-wares) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. The Director of Environmental Protection (DEP) did not support the applications as there were sensitive uses in the vicinity of the sites (about 10m to its south for the application No.

A/YL-HT/846 and the closest being about 7m to its north for the application No. A/YL-HT/851) and along the access road (Fung Kong Tsuen Road) 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 uses could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Papers. As regards the comments from DEP, no pollution complaint pertaining to the sites had been received over the past 3 years. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and workshop activities on-site had been recommended in paragraphs 13.2 (a) to (c) of the Papers. Any non-compliance with these approval conditions would result in revocation of the planning permissions and unauthorized developments on-site would be subject to enforcement action by the Planning Authority. Besides, the applicants would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas.

38. Members had no question on the applications.

Deliberation Session

39. After deliberation, the Committee decided to approve the applications on a temporary basis for a period of 3 years until 24.5.2016, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permission was subject to the following conditions :

Application No. A/YL-HT/846

- (a) no night-time operation from 7:00 p.m. to 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, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the sites, as proposed by the applicant, during the planning approval period;
- (d) no vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed at all times during the planning approval period;
- (e) no material was allowed to be stored/dumped within 1m of any tree on the sites during the planning approval period;
- (f) the existing drainage facilities 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 24.11.2013;
- (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 5.7.2013;
- (i) 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 24.11.2013;

- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.2.2014;
- (k) the submission of tree preservation and landscape proposals, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (l) in relation to (k) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (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 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.

Application No. A/YL-HT/851

- (a) no night-time operation from 7:00 p.m. to 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, cleansing, melting, dismantling or any other workshop activity was allowed to be carried out on the site, as proposed by the applicant, during the planning approval period;
- (d) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) no vehicle queuing was allowed back to public road or vehicle reversing onto/from the public road was allowed 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 24.11.2013;
- (h) the submission of tree preservation and landscape proposal, including replacement of dead/missing trees and clearance of dumped materials and weeds from the planting area, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2014;
- (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 5.7.2013;

- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.11.2013;
- (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 Director of Fire Services or of the TPB by 24.2.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (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 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.

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

Application No. A/YL-HT/846

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

Government Lease upon which no structure was allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as site office, guard room and storage use. The site also included government land (GL) for which no permission from his office had been given for its occupation. The act of occupation of GL without Government's prior approval should not be encouraged; vehicular access to the site would require passing through an informal track on GL leading from Yu Yip New Road. His office did not provide maintenance to the track or guarantee right-of-way; should the application be approved, the lot owners would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (f) note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout

plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration;

- (g) 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 BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open shed) were to be carried out on the site, the prior approval and consent of Buildings Authority should be obtained, otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (h) 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 fire-fighting flow.

Application No. A/YL-HT/851

- (a) planning permission should have been obtained before continuing the development on site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease (BGL) upon which no structure was allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as site office, guard room and storage use. The site also included government land (GL) for which no permission from his office had been given for its occupation. The act of occupation of GL without Government's prior approval should not be encouraged; vehicular access to the site would require passing through an informal track on GL leading from Yu Yip New Road. His office did not provide maintenance to the track or guarantee right-of-way; should the application be approved, the lot owners would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;

- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;

- (f) note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed FSIs to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

- (g) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures were erected on leased land without approval of BD, they were unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including converted containers and open shed) were to be carried out on the site, the prior approval and consent of 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 with the BO. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/847 Temporary Public Vehicle Park (Private Cars, Light Goods vehicle, Heavy Goods Vehicle & Container Trailers) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 826 S.A (Part) , 828, 839 (Part) and 840 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/847)

Presentation and Question Sessions

41. 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 applied temporary public vehicle park (private cars, light goods vehicle, heavy goods vehicle and container trailers) for a period of three years;
- (c) 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 (residential dwellings) directly abutting the site and along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter pointed out that the site was very close to the residential estate and the operator should be closely monitored to ensure that the development would not cause noise nuisance to nearby residents;

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

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards the comments from DEP, no pollution complaint pertaining to the site had been received over the past 3 years. To mitigate any potential environmental impacts, approval condition restricting the operation hours, as proposed by the applicant, had been recommended in paragraphs 13.2 (a) 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. Besides, the applicant would be advised 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. As regards the public comment received, it should be noted that there had not been any environmental complaint against the site over the past 3 years despite being used for a public vehicle park for some time by a different applicant. Nevertheless, an approval condition to restrict the operation of the site was recommended in paragraph 13.2 (a) of the Paper to mitigate any potential environmental impacts.

42. In response to a Member's question, the Chairman said that should the application be approved, the permission of the subject application would be valid from the date of approving the application (i.e. 24.5.2013) for 3 years and not from the expiry date of the last planning permission at the site (No. A/YL-HT/661).

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.5.2016, 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. (i.e. no vehicular movement in/out/within the site), as proposed by the applicant, was allowed on the site during the approval period;
- (b) no vehicle without valid licences issued under the Traffic Regulations, as proposed by the applicant, was allowed to be parked on the site;
- (c) the existing drainage facilities should be maintained at all times during the planning approval period;
- (d) 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 24.11.2013;
- (e) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2013;
- (f) in relation to (e), 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 24.2.2014;
- (g) the submission of tree preservation and landscape proposals, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2014;
- (i) if any of the above planning conditions (a), (b) and (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

44. 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 prior to the development on site;
- (b) the permission was given to the use/development under application. It did not condone to the petrol filling or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as site office, guard room and storage use. The site also included government land (GL) for which no permission from his office had been given for its occupation. The act of occupation of GL without Government's prior approval should not be encouraged; vehicular access to the site would require passing through an informal track on GL leading from Yu Yip New Road. His office did not provide maintenance to the track or guarantees right-of-way; should the application be approved,

the lot owners would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (g) note the comments of the Director of Fire Services on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers used as offices and store were considered to be temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission under BO was required for any proposed new works, including any temporary structure; 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. For unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the Buildings Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/849 Temporary Open Storage of Building Materials, Trailers, Scrap Motor Vehicles and Scrap Small Speed Boats, Scrap Metals, Construction Machinery, Scrap Car Components and Ancillary Workshop for a Period of 3 Years in "Open Space" zone, Lots 352 S.C (Part) , 352 RP (Part), 480S.A RP (Part), 480 RP (Part), 481, 482 (Part), 483 (Part), 484 (Part) and 485 (Part), Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/849)

Presentation and Question Sessions

45. 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 applied temporary open storage of building materials, trailers, scrap motor vehicles and scrap small speed boats, scrap metals, construction machinery, scrap car components and 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 in the vicinity of the site (the closest residential dwelling, which were under

construction, being about 25m away) and along the access road and environmental nuisance is expected;

- (d) during the first three weeks of the statutory publication period, 5 public comments from 3 commenters were received. The commenters, the owners of Lots 506 and 510 in D.D. 124, strongly objected to the application as the current application would cause blockage of drains and flooding to the farming activities in the surrounding areas. The proposed development would also affect the Fung Shui and have an adverse impact on the environment;
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year instead of three years sought based on the assessments made in paragraph 12 of the Paper. The Committee had approved 20 previous applications for open storage use/vehicle parking use since 1999 within the same “Open Space” (“O”) zone. The last relevant previous application No. A/YL-HT/750 was rejected by the Committee mainly because the site had encroached onto the adjoining “Village Type Development” zone and was very close to the small houses (7m) which were under construction. Given that the subject application was entirely within the “O” zone and the 3 small houses in the vicinity, which were now nearly completed, were located about 25m away, a shorter approval period of 1 year instead of 3 years sought were recommended to monitor the situation of the site to ensure that the applied use would not generate unacceptable nuisance to the nearby residential uses. As regards DEP's comments, there had not been any environmental complaint pertaining to the site over the past 3 years. Nonetheless, to address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours had been proposed in paragraphs 13.2 (a) and (b) 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. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' in order to minimize the possible environmental impacts on the nearby sensitive receivers. As regards the public comments, it was noted that Chief Engineer/Mainland North of Drainage Services Department had no in principle objection to the application from drainage point of view. The potential environmental and drainage impacts could be addressed by approval conditions as recommended in paragraphs 13.2 (a) to (c) of the Paper and also shorter approval period for close monitoring.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 24.5.2014, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 9:00 p.m. to 8:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the implementation of the drainage facilities proposed within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2013;
- (d) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the

TPB by 24.8.2013;

- (e) in relation to (d) above, the implementation of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.11.2013
- (f) 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 5.7.2013;
- (g) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 24.8.2013;
- (h) in relation to (g) above, the implementation of the 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 24.11.2013;
- (i) the submission of a tree preservation and landscape proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.8.2013;
- (j) in relation to (i) above, the implementation of the tress preservation and landscape proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (k) if any of the above planning conditions (a) or (b) 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;
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked

without further notice; and

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

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

- (a) an approval period of 1 year was granted in order to monitor the situation of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site prior to the development on site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, 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 for permit any additional/excessive 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 such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. DLO/YL provided no maintenance works for the government land (GL) involved and did not guarantee right-of-way for vehicular access to the site via a local road on GL from Hung Chi Road;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site and no vehicle queuing was allowed back to public road or no vehicle was allowed to queue back to public road or reverse onto/from public road;
- (h) 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;
- (i) note the comments of the Director of Fire Services in Appendix V of the Paper and to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (j) 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 BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including converted containers and open shed) were to be carried out on the site, the prior approval and consent of Buildings Authority (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 with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations ((B(P)R)) 5 and 41D respectively. If the site did not abut on a specified street having a width of not less than 4.5m, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/399 Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years in "Agriculture" zone, Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/399)

Presentation and Question Sessions

49. 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 highlighting that the previous three Applications No. A/YL-KTN/339, 354 and 373 for similar open storage or parking uses at the site were revoked due to non-compliance with approval conditions;

- (b) the applied temporary private car park for medium goods vehicles and storage of construction materials 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 was sensitive receiver, i.e. residential structure, located to the southwest (about 30m away) and in the vicinity of the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) stated that while the site had been paved and currently used as open storage purpose, it could easily be reverted to agricultural uses including greenhouse farming and/or nursery. In view of its high potential for agriculture rehabilitation, he 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 from a Yuen Long District Councillor. The commenter objected to the application as the previous applications were revoked three times;
- (e) no local objection/view was received by the District Officer (Yuen Long);
and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Since the last three approvals (Applications No. A/YL-KTN/339, 354 and 373) were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to closely monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application. As regards DAFC's comments, it was noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes. Previous approvals

(Applications No. A/YL-KTN/339, 354 and 373) for parking and open storage uses had also been granted. Besides, there was a large piece of land zoned “Open Storage” and “Industrial (Group D)” abutting the eastern part of the “Agriculture” zone which was occupied by open storage/port back-up uses. As regards DEP’s comments, the local objection received during the statutory publication period was not related to environmental concern and no environmental complaint had been received by DEP in the past three years. To minimize the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended in paragraphs 13.2(a) to (f) 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. The applicant would also be advised to adopt the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to alleviate any potential impact. As regards the public comment received, the applicant had made efforts to comply with the approval conditions under the last application and the landscape and drainage works and the fire service installations proposal submitted under the current application had also been accepted by the relevant departments. Shorter compliance periods were recommended to monitor the progress of compliance.

50. In response the Chairman’s query, Ms. Bonita Ho said that the previous application No. A/YL-KTN/339 was revoked due to non-compliance with approval conditions related to fencing, landscape, drainage and fire safety aspects. The previous application No. A/YL-KTN/354 was revoked due to non-compliance with approval condition related to prohibition on parking/storage of medium or heavy goods vehicle exceeding 5.5 tonnes on the site. The last previous application No. A/YL-KTN/373 was revoked due to non-compliance with approval condition related to submission and implementation of fire service installations proposal. Under the current application, the applicant had submitted the landscape, drainage and fire service installations proposals.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.5.2016, 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. 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 vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) 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;
- (g) the existing boundary fencing along the application site should be maintained at all times during the planning approval period;

- (h) the existing trees and landscape plantings on the application site should be maintained at all times 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 records of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.8.2013;
- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (l) the implementation of the accepted 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 24.8.2013;
- (m) 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;
- (n) if any of the above planning conditions (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 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.

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

- (a) shorter compliance periods were imposed so as to monitor the progress on fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) resolve any land issues relating to the development with the concerned owners of the site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given to the specified structures as meter room, security station, staff restroom, shelters with structures underneath for toilets, parking spaces and office. Part of the site fell within the Express Rail Link (XRL) protection boundary. The development should not affect the future operation of the railway. The site was accessible from Kam Tai Road via private land and government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right of way. The lot owner would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (f) note the Commissioner of Transport’s comments that vehicles were not allowed to reverse into or out of the site. Besides, 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 LandsD. Moreover, the management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;
- (h) note the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department’s comments that the proposed gates of the development facing a temporary access road which was provided by MTRCL’s contractor under the XRL project. The applicant should fully aware of and accept the existing condition of the access road. Given the possible increased uses of the access road in light of the application, the applicant should keep aware of the access road condition and take necessary measures such that the access road condition would not deteriorate arising from the development;
- (i) note the Director of Fire Services’ comments that the installation/maintenance/modification/repair work of the FSIs should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after the completion of the installation/maintenance/modification/repair works issue to the person on whose instruction of the work was undertaken a certificate (FS 251) and provide a copy of the certificate for consideration. Besides, to address the condition on

provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (j) note the Director of Electrical and Mechanical Services' comments that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "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;
- (k) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments 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 satisfaction; and
- (l) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures were erected on leased land without approval of the BD (not being New Territories

Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the Building Authority (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 with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/404 Proposed Public Utility Installation (Package Sub-station) for Cable Trench in "Road" and "Village Type Development" zones, Government Land in D.D. 109, Kam Tin Shi West, Yuen Long
(RNTPC Paper No. A/YL-KTN/404)

Presentation and Question Sessions

53. 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 public utility installation (package sub-station) for cable trench;
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

54. Members had no question on the application.

Deliberation Session

55. 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 24.5.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the site comprised government land (GL) only. No permission had been given for erection of the structures mentioned in the application or for occupation/excavation of the GL within the site. The site was accessible from Kam Tin Bypass via a short stretch of GL. LandsD provided no maintenance work for this stretch of GL and did not guarantee any right-of-way to the site. The lot owner still needed to apply to LandsD for a formal approval prior to the actual occupation / excavation of the GL. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (b) note the Commissioner of Transport's comments that regarding the proposed loading/unloading activities for the purpose of the construction of the substation, the applicant should submit the temporary traffic arrangement at the Kam Tin Bypass to his office and the traffic police for approval;
- (c) note the Director of Electrical and Mechanical Services's comments that CLP Power had to comply with the Electricity Ordinance and relevant statutory requirements for the design and operation of electricity package substation. As the proposed development was to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The applicant and his contractors should observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;

- (d) note the Director of Health's comments that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complied with the relevant ICNIRP guidelines or other established international standards. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements should be formulated upon receipt of formal submission of general building plans and referred from the relevant licensing authority. The Emergency Vehicular Access provision in the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulations (B(P)R) 41D which was administrated by the Buildings Department (BD); and
- (g) note the Chief Building Surveyor/New Territories West, BD's comments that existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. The proposed development and excavation of land works were subject to control under the BO if the works were to be carried out on leased land and formal submission under the BO was required for the 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 not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage.

[Mr. Lincoln Huang arrived to join the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/405 Temporary Open Storage of Construction Machinery for a Period of 3
Years in “Agriculture” zone, Lot 1207 (Part) in D.D. 109, Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/405)

Presentation and Question Sessions

57. 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 applied temporary open storage of construction machinery 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 east (about 2m away) and in the vicinity of the site, and environmental nuisance was expected. 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. Based on the aerial photo of 10.9.2012 (Plan

A-3a of the Paper), the area surrounding the site was predominantly rural in character, dominated by cultivated and fallow agricultural land with scattered residential structures/dwellings. The proposed open storage use was considered incompatible with the surrounding agricultural setting. The site had recently been fully paved and was being used for open storage for construction materials and machinery. The approval of the application might set an undesirable precedent for other similar applications in the area, resulting in further degradation of landscape quality within the “Agriculture” (“AGR”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that active agricultural lives were found in the vicinity of the site and hence there was a high potential for agricultural rehabilitation. He did not support the application from the agricultural point of view;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a Yuen Long District Councillor, Designing Hong Kong and Kadoorie Farm and Botanic Garden Corporation. All the three commenters objected to the application as the development was incompatible with the zoning intention and the surroundings, and the development would spoil the agricultural land which should be preserved to safeguard the food supply for Hong Kong. There was also sufficient supply of land for storage use. Besides, the local road was narrow and the use of heavy vehicles would cause safety problem and noise nuisance. Should planning approval be given, it would be renewed in the future making it difficult to utilize the land for other suitable uses. Moreover, approval of the application would set an undesirable precedent and the cumulative impact should be taken into account. The development was also a suspected “Destroy First, Build Later” case.
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper

and were summarized below:

- (i) According to the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E), the application site fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals.
- (ii) the development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. DAFC did not support the application as there were active agricultural lives found in the vicinity and the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;
- (iii) the current application was a “Destroy First, Build Later” case. It should be assessed based on the expected state of the site upon compliance with the Reinstatement Notice, whereby the hard paving, debris and fill materials on the land and the site would be covered by grass. In this regard, as the development would require site formation and paving, it would change the state of the site from grassland to paved land. The open storage use would not be compatible with the surrounding land uses which were rural in character predominated by agricultural land and scattered residential structures/dwellings;
- (iv) the application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. The two previous applications (No. A/YL-KTN/375 and 392) submitted by the same applicant for

similar temporary open storage uses were rejected by the Board on review on 22.6.2012 and 22.2.2013 respectively. A similar application (No. A/YL-KTN/386) for temporary open storage of vehicles with ancillary office located to the further east of the site was also rejected by the Committee on 6.7.2012. There was no major change in planning circumstances that warranted a departure from the Board's previous decisions. Moreover, there were adverse departmental comments and objections against the application. In this regard, DEP did not support the application as there were sensitive receivers, i.e. residential structures located to the immediate east (about 2m away) and in the vicinity of the site, and environmental nuisance was expected. From the landscape point of view, the current application was also not supported as the proposed use was incompatible with the surrounding agricultural setting and would result in further degradation of the landscape quality. Besides, no submission was made to demonstrate that the development would not generate adverse drainage impact. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas;

- (v) although similar applications within the same "AGR" were approved with conditions by the Committee, they were located at the eastern portion of the zone about 700m to 1km away from the site. Besides, all the approved similar applications, except Applications No. A/YL-KTN/343, 363 and A/YL-PH/618, fell within Category 2 areas under TPB PG-No. 13E, where temporary planning permission could be granted subject to no adverse departmental comments and local objections or the concerns of the departments and local residents could be addressed by appropriate approval conditions. For applications No. A/YL-KTN/343 and 363 and A/YL-PH/618 which fell within Category 3 areas and without previous approval, they were approved mainly on the consideration that their original sites were resumed for XRL project and the developments were not

incompatible with the surrounding open storage uses. As for the current application, the site fell within Category 3 areas without previous approval and was located in an area predominantly rural in character. The approval of the subject application would set an undesirable precedent for similar applications within this part of the “AGR” zone, the cumulative effect of which would result in general degradation of the rural environment of the area; and

- (vi) three public comments were objecting to the application on the grounds that objections were received during the statutory publication period as the development was incompatible with the zoning intention and surroundings and would spoil the agricultural land thereby affecting the food supply for Hong Kong. The development would also cause safety problem and noise nuisance and would set an undesirable precedent. Besides, the development was a suspected “Destroy First, Build Later” case.

58. The Chairman requested the Committee to note that the enforcement and prosecution actions on the unauthorized development at the site were in progress.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the application did not comply with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant Government departments and public objections against the application;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTS/598 Temporary Open Storage of Freezer Vehicles, Air-conditioned Compartments, Cooling Machinery Components/Spare Parts for Vehicles, 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, 410 (Part) in D.D. 106, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-KTS/598)

60. The Secretary reported that on 15.5.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time to address the comments of the Fire Services Department and Drainage Services Department.

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/599 Temporary Warehouse and Ancillary Office and Open Storage (Power Generator, Machinery and Parts) for a Period of 3 Years in “Residential (Group D)” zone, Lot 496 S.B RP (Part) in D.D. 109 and Adjoining Government Land, Shek Kong Airfield Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/599)

Presentation and Question Sessions

62. 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 applied temporary warehouse and ancillary office and open storage (power generator, machinery and parts) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. The site was zoned “Residential (Group D)” (“R(D)”) located to the north of Kam Tin

River, occupied by some open storage yards, workshops and woodland tree groups. Although the proposed warehouse and open storage use was not entirely incompatible with the surrounding, the site had been covered with trees until around 2010 when significant vegetation clearance occurred according to the aerial photos from 2004 to 2012. Based on the recent site photos, the site was fully paved and fenced. The approval of the application might encourage similar development and lead to further degradation of landscape quality in the area;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper and were summarized below :
 - (i) the site fell within Category 3 areas under the Town Planning Board Guidelines No.13E for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals;
 - (ii) the development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. There was no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis;
 - (iii) the development was not compatible with the surrounding land uses comprising agricultural land and residential dwellings/structures.

Though there were open storage yards and workshops adjacent to and in the vicinity of the site, all of them were suspected unauthorized developments (UD) subject to enforcement action taken by the Planning Authority;

- (iv) the application did not comply with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the site. Based on the aerial photos in November 2009, the site was rural in character overgrown with vegetation. However, the vegetation was cleared and the site was formed/paved and built with structures since May 2010. The vegetation clearance/site formation and erection of structures creating a fait accompli should not be tolerated. From the landscape planning perspective, CTP/UD&L of PlanD had reservation on the application as approval of the application might encourage similar development/vegetation clearance and lead to further degradation of landscape quality in the area. Besides, the drainage plan submitted was not satisfactory and was yet to be accepted by Chief Engineer/Mainland North of Drainage Services Department. The applicant failed to demonstrate that the proposed development would not generate adverse landscape and drainage impacts on the surrounding areas. Hence, the current application did not warrant sympathetic consideration;

- (v) although similar applications (No. A/YL-KTS/482, 463, 563 and 584) located to the further southeast of the site within the same “R(D)” zone were approved by the Committee, they were subject to previous approvals. Approval of the current application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar applications uses to proliferate into the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area; and

- (vi) the applicant claimed that the site had been used for storage (machinery and vehicles)/workshop purpose since 1990 when the interim development permission area plan No. IDPA/YL-KTS/1 was published. However, it was outside the jurisdiction of the Board to determine any claims in relation to 'existing use'.

63. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No.13E for "Application for Open Storage and Port Back-up Uses" (TPB PG-No.13E) in that the development was not compatible with the surrounding land uses comprising agricultural land and residential dwellings/structures and there was no previous approval granted at the site;
- (c) the applicant failed to demonstrate that the development would not generate adverse landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the "R(D)" zone.

The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/600 Temporary Open Storage of Machinery (Including Excavators) and Vehicles For Sale for a Period of 3 Years in “Agriculture” zone, Lots 454 RP (Part), 456 RP (Part) and 461 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTS/600)

Presentation and Question Sessions

65. 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 applied temporary open storage of machinery (including excavators) and vehicles for sale 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 dwellings, located to the northeast of the site (the nearest one about 55m away) (Plan A-2 of the Paper) 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 based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments, the nearest residential dwellings were separated by Kam Tin Road. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended in paragraph 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. The applicant would also be advised to adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.5.2016, 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 10:00 a.m., as proposed by the applicant, was allowed on the site at any time during the planning approval period;
- (b) 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;
- (c) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of records 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 24.11.2013;
- (f) the submission of a landscaping 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 24.11.2013;
- (g) in relation to (f) above, the implementation of a landscaping 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 24.2.2014;
- (h) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;
- (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 24.11.2013;
- (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 24.2.2014;
- (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 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.

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

- (a) resolve any land issues relating to the development with the concerned owners of the application site;
- (b) note the District Lands Officer/Yuen Long's comments that the lots comprised government land (GL) and Old Scheduled Agricultural Lots held under Block Government Lease with restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the erection of the proposed structures. For the GL within the site, there was no approval given for occupation of the GL. The act of occupation of GL without government's prior approval should not be encouraged. Lands Department (LandsD) was also taking land control action against the illegal occupation of GL near Lot 461 RP in D.D. 103. The access route of the site to and from Kam Tin Road would require traversing through a short stretch of open GL. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The landowner(s) concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularity on the site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord might approve such application at its discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (d) note the Commissioner of Transport’s comments that the site was connected to Kam Tin Road via a local road. The applicant should seek consents from the relevant lands and maintenance authorities on using this local road for accessing the site;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (f) note the Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary or application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. 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;

- (g) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. 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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/627 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in "Village Type Development" zone, Lots 2679 (Part), 2680 (Part) and 2681 S.A & S.B (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/627)

Presentation and Question Sessions

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

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be

parked/stored on the application site at any time during the planning approval period;

- (c) no medium and heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, were allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the application site at any time during the planning approval period;
- (e) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (h) in relation to (g) 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 24.2.2014;
- (i) 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 24.11.2013;

- (j) in relation to (i) 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 24.2.2014;
- (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 24.11.2013;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2014;
- (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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long's (DLO/YL) comments that the application site comprised Old Schedule Agricultural Lots held under Block Government Lease under which contained the restriction that no

structures were allowed to be erected without prior approval of the Government. No approval had been given to the proposed specified structures as site office and guard room. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularized any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the application site required traversing through private lot and/or government land (GL). His office provided no maintenance works for the GL and did not guarantee right-of-way;

- (c) note the Commissioner of Transport's comments that no vehicle queuing and no reverse movement of vehicles on public road were allowed. The land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should also be clarified with the relevant management and maintenance authorities accordingly. Also, sufficient space should be provided within the application site for manoeuvring of vehicles;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (e) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that some of the proposed tree planting locations on the Proposed Landscape Plan would be in conflict with the proposed site office and guard room as shown on the Proposed Layout Plan. Sufficient setback of the proposed structures from the proposed trees should be allowed;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should not cause adverse drainage impact to the adjacent areas. The size of proposed catcatchers and the details of the connection with the existing open drain should be shown on the drainage proposal plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage work outside application site boundary or outside the applicant's jurisdiction;
- (h) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the application site could not provide standard pedestal hydrant;
- (i) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plan incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised that 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 structure, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. In addition, the applicant was also advised that the layout plan should be drawn on scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicants wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was

required to provide justifications to his department for consideration;

- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of Buildings Authority (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 with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The application site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/638 Temporary Open Storage of Construction Material and Recyclable Material (including Metal and Plastic) with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lots 771 (Part), 772 (Part), 773 (Part), 775 (Part) and 776 (Part) in D.D. 117, Lots 1131 (Part) and 1132 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/638)

Presentation and Question Sessions

73. 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 applied temporary open storage of construction material and recyclable material (including metal and plastic) with ancillary office 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 in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, as there were sensitive receivers of residential uses to the northeast, southwest and in the vicinity of the site with the nearest being

about 15m to its northeast, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, four public comments were received from a Pak Sha Tsuen Village Representative, the Shap Pat Heung Resident Association, Designing Hong Kong Ltd. and the land owner of Lot 1130 in D.D.119. The commenters objected to the application mainly for reasons that the application was not in line with the planning intention; there was already sufficient supply of land for open storage uses and to meet future demand; the proposed development would generate traffic impacts and affect pedestrian safety, especially when the access route to/from the site was an informal track with single lane which was insufficient for use by medium and heavy goods vehicles; the applicant failed to demonstrate that the applied use would not generate adverse environmental, landscape, traffic and drainage impacts on the surrounding area; there was potential fire risk and hazards on the surrounding developments; and approval of the application would set undesirable precedent. The land owner of Lot 1130 in D.D.119 objected to the application on the grounds that no consent was given to include his lot in the application and that a structure had illegally occupied a part of his lot;
- (e) no local objection/view was received by the District Officer (Yuen Long); and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comments, there was no environmental complaint received in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours, prohibiting the storage and handling of used electrical appliances and electronic waste and the carrying out of workshop activities on-site, and restricting the use of goods vehicles exceeding 24 tonnes including container tractors/trailers, as proposed by the applicant, 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. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact and to keep the site clean and tidy at all times. As regards the public comments, the development was not in conflict with the planning intention of the “Undetermined” zone on the Outline Zoning Plan which was generally intended for open storage use and planning approvals for similar open storage use had been granted in the vicinity. The relevant departments including Chief Town Planner/Urban Design and Landscape of Planning Department, Commissioner for Transport, and Chief Engineer/Mainland North of Drainage Services Department had no adverse comment on the application and relevant approval conditions were proposed to address the environmental and technical concerns as mentioned in paragraphs 12.4 and 12.5 of the Paper. As regards the land dispute, the applicant had proposed to exclude the concerned lot (i.e. Lot 1130 (Part) in D.D. 119) from the application site boundary. An approval condition requiring the provision of boundary fence was recommended in paragraph 13.2(f) of the Paper for setting out of the site boundary and the applicant would be advised to resolve any land issue relating to the development with the concerned owner(s) of the site.

74. Noting that Designing Hong Kong Ltd stated in its public comment that there was already sufficient land to meet the demand for open storage of containers and tractors, a Member asked whether the Planning Department (PlanD) had conducted assessment on the supply and demand of land for open storage use. Ms. Bonita Ho said that PlanD did not conduct such an assessment. The Chairman said that the application site fell within Category 1 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) which were considered suitable for open storage and port back-up uses.

75. In response to another Member’s question, Ms. Bonita Ho said that the open storage use at the site was mainly uncovered with some parts covered by sheds. The same

Member asked whether a shorter approval period should be granted to monitor the applied use, Ms. Ho said that there was no need to grant shorter approval period for this application as the site fell within Category 1 areas under TPB PG-No. 13E and there was no environmental complaint received.

Deliberation Session

76. A Member said that as a general observation, a long-term planning on the demand of land for open storage uses in Hong Kong was necessary especially when the existing open storage uses would likely be affected by new development plans such as in Yuen Long South. In response, the Chairman said that open storage uses in Hong Kong had been changing rapidly in recent years. The need for open storage use would be examined in the relevant studies such as the ongoing Hung Shui Kiu New Development Area Planning and Engineering Study with a view to identifying suitable site with adequate infrastructure support for meeting the long-term need of open storage uses.

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 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 on public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, was allowed on the application site at any time during the planning approval period;

- (d) no repairing, dismantling, maintenance, cleaning and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no 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;
- (f) the provision of boundary fencing on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (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 24.11.2013;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.2.2014;
- (i) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.11.2013;
- (j) in relation to (i) above, the implementation of a landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.2.2014;
- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.7.2013;

- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.11.2013;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.2.2014;
- (n) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) 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.

78. 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) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) the application site should be kept in a clean and tidy condition at all times;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments the site comprised government land (GL) and Old Scheduled

Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of the Government. No permission had been given for the erection of the structures mentioned in the application. For the GL portion within the site, there was no approval given for the occupation of the GL. The act of occupation of the GL without Government's prior approval should not be encouraged. Should the application be approved, the lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the access route of the application site to and from Kung Um Road required traversing through a long haul of informal track on open GL and private lots. His office provided no maintenance work for the GL involved and did not guarantee right-of-way;

- (e) note the Commissioner of Transport's comments that the land status of the access road/path/track leading to the application site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant management and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;

- (g) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department’s comments on the submitted drainage plan that the size of the proposed catchpits and the routing of the discharge path outside the site should be shown on the proposed drainage plan. Catchpit should be provided at location where the surface channel changes direction. The location and details of the proposed hoarding should be shown on the proposed drainage plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the application site boundary or the applicant’s jurisdiction;
- (i) note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centerline of the affected water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Besides, the water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (j) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to

submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant should provide justifications to his department for consideration;

- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that 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 application. Before any new building works (including converted containers and open sheds) were to be carried out on the application site, the prior approval and consent of the Building Authority (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 with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The application site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (l) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. For application site within the preferred working corridor of high voltage

overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. 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.

[The Chairman thanked Mr. C.C. Lau, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members’ enquires. Mr. Lau, Mr. Fung and Ms. Ho left the meeting at this point.]

Agenda Item 25

Any Other Business

79. There being no other business, the meeting closed at 3:45 p.m..