

TOWN PLANNING BOARD

**Minutes of 353rd Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 13.7.2007**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Michael K.C. Lai

Vice-chairman

Ms. Carmen K.M. Chan

Professor Nora F.Y. Tam

Dr. Lily Chiang

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Chief Engineer/Traffic Engineering (New Territories West),
Transport Department
Mr. Y.M. Lee

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. Simon Y.M. Hui

Assistant Director/New Territories, Lands Department
Ms. Eugina Fok

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Prof. Peter R. Hills

Mr. Alfred Donald Yap

Assistant Director (2), Home Affairs Department
Ms. Margaret Hsia

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. W.S. Lau

Town Planner/Town Planning Board
Miss Rowena M.F. Lee

Agenda Item 1

Confirmation of the Draft Minutes of the 352nd RNTPC Meeting held on 22.6.2007

[Open Meeting]

1. The draft minutes of the 352nd RNTPC meeting held on 22.6.2007 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeal Received

Town Planning Appeal No. 9 of 2007
Proposed Temporary Warehouse (Storage and Sale of
Organic Food and Gardening Plants) for a Period of 3 Years
in "Agriculture" zone, Lot 384RP in DD 128, Ha Tsuen, Yuen Long
(Application No. A/YL-HT/471)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for a proposed temporary warehouse (storage and sale of organic food and gardening plants) for a period of 3 years was received by the Town Planning Appeal Board (TPAB) on 28.5.2007. The subject site was zoned "Agriculture" ("AGR") on the approved Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/8. The application was rejected by the TPB on 30.3.2007 on the grounds that the development was not in line with the planning intention of the "AGR" zone, and there was no information in the submission to demonstrate that the proposed development would not have adverse environmental, traffic and landscape impacts on the surrounding areas.

3. The Secretary went on to say that the hearing date of the appeal was yet to be fixed. The Secretariat would represent the Town Planning Board on all matters relating to the appeal in the usual manner.

(b) Town Planning Appeal Abandoned

Town Planning Appeal No. 21 of 2006
Temporary Vehicle Repair Workshop
for a Period of 3 Years in “Undetermined”
and “Village Type Development” zones,
Lots 1335(Part), 1548(Part), 1550A(Part), 1550B, 1551(Part) and 1552(Part)
in DD 119, Tong Yan San Tsuen, Yuen Long
(Application No. A/YL-TYST/319)

4. The Secretary reported that an appeal was received by the TPAB on 17.11.2006 against the decision of the TPB to reject on review an application (No. A/YL-TYST/319) for temporary vehicle repair workshop for a period of 3 years at a site zoned partly “Undetermined” (“U”) and partly “Village Type Development” (“V”) on the approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10. On 25.6.2007, the appeal was abandoned by the appellant of his own accord. On 6.7.2007, TPAB formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

(c) Appeal Statistics

5. The Secretary said that as at 1.2.2007, a total of 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows:

Allowed	:	17
Dismissed	:	97
Abandoned/Withdrawn/Invalid	:	123
Yet to be Heard	:	20
Decision Outstanding	:	10
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Total	:	267

6. In response to a Member’s enquiry, the Secretary said that the percentage of appeals received recently was about the same as in the past. Most of the appeals were related to applications for Small Houses and open storage uses. Only 17 appeals heard by

the TPAB were allowed ever since the setting up of the TPAB in 1991 indicating that the Board was reasonable in making decisions.

7. In response to another Member's enquiry on the reason for the large number of appeals abandoned, withdrawn or ruled invalid, the Chairperson said that as there was a time limit for appeal, many applicants would lodge an appeal with the TPAB before the expiry of the time limit. Some, however, would subsequently amend their proposals and submit fresh applications instead of proceeding with the appeals. They would either abandon or withdraw the appeals upon obtaining planning approvals on fresh applications.

[Dr. C.N. Ng and Mr. Y.M. Lee arrived to join the meeting at this point.]

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/I-MWF/14 Proposed House in "Village Type Development" zone,
Lot 1111 in DD 1, Mui Wo, Lantau Island
(RNTPC Paper No. A/I-MWF/14)
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Presentation and Question Sessions

8. Mr. Lawrence Y.C. Chau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;

- (c) departmental comments – the District Lands Officer/Islands did not support the application from land administration point of view as the “Village Type Development” (“V”) zone should be preserved for Small House development by indigenous villagers under the Small House Policy;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 10.1 of the Paper. Land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers and no strong justification had been provided in the submission for a departure from such planning intention. There was a shortage of land for Small House development in the “V” zone and approval of the application would set an undesirable precedent for similar applications within the “V” zone aggravating the shortage of land for Small House development.

9. Members had no question on the application.

Deliberation Session

10. Members considered that the proposed house was against the planning intention of “V” zone which was intended for Small House development by indigenous villagers.

11. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone which was primarily for development of Small Houses by indigenous villagers; and
- (b) approval of the application would set an undesirable precedent for similar

applications within the “Village Type Development” zone. The cumulative effect of approving such similar applications would result in shortage of suitable land for Small House development within the “Village Type Development” zone.

[The Chairperson thanked Mr. Lawrence Y.C. Chau, STP/SKIs, for his attendance to answer Members’ enquires. Mr. Chau left the meeting at this point.]

[Ms. Ann O.Y. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

[Professor Nora F.Y. Tam and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HH/41 Temporary Learning Centre for a Period of 3 Years in “Other Specified Uses (Residential cum Marina Development)” zone, Shop B1, Marina Cove Shopping Centre, Sai Kung (RNTPC Paper No. A/SK-HH/41)
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Presentation and Question Sessions

12. Ms. Ann O.Y. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary learning centre for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period

and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 10.1 of the Paper.

13. In response to a Member's enquiry, Ms. Ann O.Y. Wong advised that the learning centre was currently operating without planning permission and the Education Bureau had no objection to the application.

Deliberation Session

14. A Member said that while the application could be approved, the operation of the subject learning centre without planning permission was inappropriate. To discourage such malpractice, the applicant should be advised of the need to obtain prior planning permission from the Town Planning Board in the decision letter.

15. Another Member considered that applicants were obliged to comply with the requirement under the law. This Member opined that publicity and public education would be more effective in dealing with the malpractice. Members generally agreed that the Education Bureau should provide wider publicity on the need to comply with land use restrictions for the registration of schools.

16. A Member said that there was merit to include a standard clause in the decision letter of regularization cases to remind the applicant of the need to obtain prior planning approval before commencement of the proposed use. Members agreed and the Secretariat would prepare the standard clause.

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board.

18. The Committee also agreed to advise the applicant to :

- (a) note the requirement of obtaining prior planning permission before

operating the learning centre at the application site; and

- (b) liaise with the Secretary for Education regarding the school registration matter under the Education Ordinance.

[Dr. Lily Chiang left the meeting temporarily at this point.]

[The Chairperson thanked Ms. Ann O.Y. Wong, STP/SKIs, for her attendance to answer Members' enquires. Ms. Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), was invited to the meeting at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/6 Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/19 from "Residential (Group C)" and "Green Belt" to "Village Type Development", Various Lots in DD 34 and Adjoining Government Land, Tsiu Hang, Tai Po
(RNTPC Paper No. Y/TP/6)

Presentation and Question Sessions

19. Mr. Micahel K.C. Lai declared an interest as he was the Tai Po District Councillor. Mr. Tony C.N. Kan declared an interest as he was a personal friend of the applicant. Since the applicant had requested the Committee to defer consideration of the application and discussion of and determination on this item was not necessary, Members agreed that Messrs Michael K.C. Lai and Tony C.N. Kan could stay in the meeting.

20. The Committee noted that on 5.6.2007, the applicant's representative requested for a deferment of the consideration of the application to allow more time to address the concerns of the Government departments and to submit further information to substantiate the case.

Deliberation Session

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

[Mr. B.W. Chan left the meeting temporarily at this point.]

Agenda Item 5

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-KTN/121 Renewal of Planning Approval for Temporary Container Trailer/Tractor Park for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 868RP(Part), 869, 870, 871(Part), 872, 873 and 874 in DD 95, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/121)
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Presentation and Question Sessions

22. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the renewal of planning approval for temporary container trailer/tractor park for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there was sensitive use in the vicinity of the application site. There was one domestic structure at about 70m to the west of the application site;
- (d) one public comment was received during the statutory publication period and one local objection was received by the District Officer. Both were from the same commenter objecting on the grounds that the container trailers and tractors took a poorly paved shortcut to and from the application site which encroached upon the lot used by him and the proposed use had caused environmental nuisances to nearby occupants; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 11.2 of the Paper. The proposed use was not incompatible with the surrounding container vehicle park, storage yard of excavators and vacant land, and the temporary approval of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone as there was no programme or known intention to implement the zoning. Previous approvals were given for the same use and all approval conditions for the last application were complied with. Although DEP did not support the application because a domestic structure was located near the site, the applicant would be advised to adopt mitigation measures specified in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” published by EPD to minimise any possible environmental impacts.

23. A Member enquired if DEP had received any complaint related to the application site. The Member noted that the public comment raised objection as the shortcut to and from the application site encroached upon a private lot. If the application was approved, the commenter might be under pressure to allow the applicant's vehicles to traverse his lots.

24. In response, Mr. W.K. Hui confirmed that DEP had not received any complaint on the site. As for the shortcut, the Chief Highway Engineer/New Territories East had advised that the access road leading from Ho Sheung Heung Road to the application site was not maintained by the Government. The encroachment of access road upon some private lots was a common phenomenon in the New Territories. In fact, the applicant had proposed the said access in the previously approved application (Application No. A/NE-KTN/108) and the Assistant Commissioner for Transport/New Territories had no objection to the application but required that the access road be managed and maintained during the planning approval period. The commenter was the tenant of the concerned lot but the landowner was in support of the application. Besides, paragraph 11.5(a) of the Paper suggested an advisory clause reminding the applicant to resolve any land issues relating to the development with the concerned owners.

[Mr. Y.K. Cheng arrived to join the meeting and Mr. B.W. Chan returned to join the meeting at this point.]

Deliberation Session

25. Members noted that the applied use for a temporary period of three years would not frustrate the long term planning intention of the “CDA” zone and previous approvals had been given for the same use.

26. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, 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 8:00 a.m. was allowed on the site during the planning approval period;
- (b) the existing access road should be managed and maintained at all times during the planning approval period;
- (c) the existing noise mitigation measures should be managed and maintained at all times during the planning approval period;

- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the existing peripheral fencing and the installed gate should be maintained at all times during the planning approval period;
- (g) the submission of a Traffic Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.1.2008;
- (h) the submission of a condition record of the existing drainage facilities on site as implemented on the same site in the previously approved Application No. A/NE-KTN/101 within 3 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 13.10.2007;
- (i) 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; and
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

27. The Committee also agreed to advise the applicant to :

- (a) resolve any land issues relating to the development with the concerned owners;

- (b) apply to the District Lands Office/North, Lands Department for Short Term Waiver for the regularization of structures erected on the application site;
- (c) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services with the private lots to WSD's standards; assess the need to extend his private water mains to the nearest Government water mains for connection, to bear the cost and to sort out the land matters associated with the main laying and subsequent maintenance of the inside services in private lots;
 - (ii) water mains in the vicinity of the subject site could not provide the standard firefighting flow; and
 - (iii) the subject site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;
- (d) follow the environmental mitigation measures as recommended in the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize the potential environmental impacts on the adjacent area; and
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comment that the use of containers as offices is considered as temporary buildings subject to the control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works including any temporary structure for approval under the BO is required.

28. The Committee agreed that the applicant would be reminded that the permission was given to the use/development. It did not condone any structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found.

[Mr. Tony C.N. Kan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-KTS/253 Proposed House
(New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 1413RP in DD 100, Chan Uk Po, Tsiu Keng,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/253)
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Presentation and Question Sessions

29. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural development point of view as the site had high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories had reservation on the application as NTEH development should be confined within the “Village Type Development” (“V”) zone where the necessary traffic and transport facilities had been planned and provided. Approving the application would set an undesirable precedent for similar applications resulting in substantial cumulative adverse traffic impact;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.1 of the Paper. The proposed Small House complied with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development (the Interim Criteria) in that the site was located within the village 'environs' and there was a general shortage of land in meeting the demand for Small House development in the subject "V" zone. The application site was not incompatible with the surrounding areas as it was located immediately to the north of the "V" zone.

30. Members had no question on the application.

Deliberation Session

31. Members noted that the application complied with the Interim Criteria.

32. 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 13.7.2011, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of firefighting access, water supplies for fire fighting and Fire Service Installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

33. The Committee also agreed to advise the applicant to :

- (a) note the Chief Engineer/Development(2), Water Supplies Department's comments that:
 - (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection, to resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to Water Supplies Department's standards;
 - (ii) water mains in the vicinity of the application site could not provide the standard fire fighting flow;
 - (iii) the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/NE-LYT/359 Proposed Temporary Open Storage of Construction Materials and Stage Performance Props (excluding Containers or Dangerous Goods) for a Period of 3 Years in “Agriculture” zone, Lots 1470B1RP and 1472A in DD 83, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/359)
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Presentation and Question Sessions

34. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and stage performance props (excluding containers or dangerous goods) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) two public comments were received during the statutory publication period objecting on the grounds of traffic safety, environmental protection, drainage problem and possible impacts on the villagers. Two local objections were received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The development was not in line with Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that there was no previous approval given for the application site. There were adverse departmental comments and local concerns on the

application. There was no technical submission to demonstrate that the uses under application would not have adverse traffic and environmental impacts on the surrounding areas. Some domestic structures were adjacent to the site and there was insufficient information submitted to demonstrate that the application would not have adverse environmental impacts on the surrounding area. DEP did not support the application in this regard.

35. Members had no question on the application.

Deliberation Session

36. Members considered that the application did not comply with the Town Planning Board Guidelines and approving it would set an undesirable precedent.

37. After deliberation, the Committee decided to reject the application and the reason was that the development was not in line with Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13D) in that there was no previous approval given for the application site. There were adverse departmental comments and local concerns on the application. There was no technical submission to demonstrate that the uses under application would not have adverse environmental impact on the sensitive receivers in the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/NE-TKL/298 Temporary Open Storage of Used Building Materials (Timber and Metal) with Ancillary Office for a Period of 3 Years in "Agriculture" zone, Lot 1497B1(Part) in DD 76 and Adjoining Government Land, Sha Tau Kok Road, Ma Mei Ha, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/298)
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Presentation and Question Sessions

38. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of used building materials (timber and metal) with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period objecting on the grounds of possible environmental nuisances and the possible storage of electronic wastes at the site. Four local objections were received by the District Officer (DO) objecting on the grounds of environmental pollution and adverse impact on the living environment. The District Officer/North also received another comment raising grave concern on the application and requested that the applied use, if approved, should adhere to the requirements stipulated by concerned Government departments so that there would not be adverse impacts on the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12.2 of the Paper. The application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No.13D) in that no previous planning approval had been granted to the application site and insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas. DEP did not support the application as there were sensitive uses including domestic structures in the vicinity of the application site. The operation in the site would impose adverse impacts on the nearby sensitive receivers which had not been suitably addressed in the application.

39. Members had no question on the application.

Deliberation Session

40. Members noted that the application was not in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’.

41. After deliberation, the Committee decided to reject the application and the reason was that the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that no previous planning approval had been granted to the application site and insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(v) A/ST/655 Religious Institution (Taoist Temple)
in “Green Belt” zone,
Government Land in DD 181, Pak Tin, Tai Wai, Sha Tin
(RNTPC Paper No. A/ST/655)

Presentation and Question Sessions

42. The Committee noted that on 22.6.2007, the applicant’s representative requested for a deferment of the consideration of the application to allow time to address the concerns of the Government departments and to submit further information to substantiate the case.

Deliberation Session

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

Agenda Item 6

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-TKL/284-5 Extension of Time for Compliance with Planning Condition - Temporary Open Storage, Warehouse and Cargo Handling for Loading and Unloading of Cargo for a Period of 3 Years in “Open Storage”, “Agriculture”, “Green Belt” and ‘Road’ zones, Lots 165RP and 167 in DD 83 and Adjoining Government Land, Kwan Tei North, Fanling
(RNTPC Paper No. A/NE-TKL/284-5)
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Presentation and Question Sessions

44. Mr. W.K. Hui, DPO/STN, reported that an extension of time for compliance with planning conditions (e), (i) and (j) under Application No. A/NE-TKL/284-5 was received on 26.6.2007. The application was approved by the Board for temporary open storage, warehouse and cargo handling for loading and unloading of cargo for a period of 3 years up to 28.4.2009 subject to approval conditions. Approval conditions (e), (i) and (j) were related to implementation of landscaping and tree preservation proposals within 6 months by 28.6.2007 from the date of planning approval, and the submission and implementation of fire service installations and fire fighting water supplies within 3 months (28.6.2007) and 6 months (28.9.2007) respectively from the date of planning approval. As the application for extension of time for compliance with conditions was received on 26.6.2007, 2 days before the deadline for compliance with conditions (e) and (i), the application would not be processed in accordance with the practice adopted by the Town Planning Board due to insufficient time for obtaining departmental comments. In fact, the time limit for compliance with conditions (e) and (i) had already expired at the time of consideration by the Committee.

45. In response to a Member’s enquiry, the Secretary advised that according to Town Planning Board Guidelines for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34A), applications for extension of time for compliance with conditions should be submitted

no less than 6 weeks before the expiry of the specified time limit so as to allow sufficient time for processing and consultation with concerned Government departments. Any late application might not be processed for consideration of the Town Planning Board. The Committee had considered similar late applications for extension of the time limit for compliance with the planning conditions previously. The Committee agreed that such late applications would not be processed.

46. The Chairperson added that in consideration of application for extension of time for compliance with planning conditions, the Committee should consider the efforts taken by the applicant to comply with all the planning conditions, the justifications for not complying with the concerned planning condition(s) within the time limit, reasonableness of the extension sought and planning implications arising from the proposed extension.

Deliberation Session

47. After deliberation, the Committee agreed not to consider the application as there was insufficient time to obtain departmental comments before the expiry of the specified time limits for compliance with the approval conditions and the time limit for compliance with approval conditions (e) and (i) had already expired on 28.6.2007.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, for his attendance to answer Members' enquires. Mr. Hui left the meeting at this point.]

[Dr. Lily Chiang and Mr. Tony C.N. Kan returned to join the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

Further Consideration of Application No. A/YL-HT/489

Temporary Open Storage of Used Electrical Appliances and Metal Wares

for a Period of 3 Years in “Comprehensive Development Area” zone,

Lots 3265RP(Part), 3266RP(Part), 3268(Part), 3269(Part), 3270(Part) and

3272(Part) in DD 129 and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/489A)

Presentation and Question Sessions

48. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) further consideration of the temporary open storage of used electrical appliances and metal wares for a period of 3 years;
- (c) departmental comments – after re-examining the application taking into account the close proximity of a hostel for the mentally disabled as raised by the Committee, the Director of Fire Services (D of FS) maintained his no objection to the application subject to provision of fire extinguishers;
- (d) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for the reasons as detailed in paragraph 3.1 of the Paper. The applied use was not incompatible with the surrounding uses which were predominantly warehouses, open storages of containers, construction materials and machinery. There was no known development programme for the “Comprehensive Development Area” zone and a temporary approval of three years would not frustrate the planning intention of this zone. Previous planning approval had been given and all approval conditions had been complied with. Concerned Government

departments had no objection, except DEP. However, there was no environmental complaint over the past 3 years. To mitigate any environmental impacts, approval conditions restricting the operation hours, materials to be stored and activities on site had been suggested. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. There was no local objection to the application.

49. Members had no question on the application.

Deliberation Session

50. Members noted that the D of FS maintained his view of no objection to the application subject to an approval condition on provision of fire extinguishers. Noting Members’ concern on the safety of the residents in the nearby hostel for the mentally disabled, the Chairperson suggested that D of FS could be requested to conduct fire drill for the hostel to enhance fire safety.

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m. on Monday to Saturday 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 storage of television and Cathode Ray Tube (CRT) as proposed by the applicant should be operated on the site during the planning approval period;

- (d) no cutting, dismantling, melting, cleansing and workshop activities should be carried out on the site during the planning approval period;
- (e) the setting back of the site from the works limit of the Project Item No. 7811TH “Ping Ha Road Improvement – Remaining Works (Ha Tsuen Section)” during the planning approval period;
- (f) the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2008;
- (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 13.1.2008;
- (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 13.4.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2008;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not

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

- (m) upon 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 to :

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were 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 and apply to his office for Short Term Waiver to regularize the unauthorized structures on site and Short Term Tenancy to regularize the unauthorized occupation of Government land at the eastern side of the site;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the vehicular access leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this vehicular access should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly;
- (e) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the proposed improvement works for

Ping Ha Road under Project Item No. 7811TH “Ping Ha Road Improvement Works (Ha Tsuen Section) was scheduled to commence in end 2007 and the ingress/egress via Ping Ha Road to/from the proposed site might be affected during the construction period for the widening of Ping Ha Road. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road might be raised after the proposed improvement works, the applicant should be required to carry out necessary works including modification of the ingress/egress point(s) at their own expense in future to tie in the interface with the said project; and

- (f) note the comments of the Chief Engineer/Mainland North, Drainage Services Department to consult DLO/YL and relevant lot owners for the drainage works outside the lot boundary.

53. The Committee agreed that the applicant would be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members’ enquires. Mr. Lee left the meeting at this point.]

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

Agenda Item 8

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-KTS/397 Temporary Open Storage of Vehicles, Metal, Plastic Pipes, Machinery, Vehicle Parts and Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 476RP(Part) and 477 in DD 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/397)
-

Presentation and Question Sessions

54. Mr. Frederick S.T. Ng, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicles, metal, plastic pipes, machinery, vehicle parts and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period from an environmental protection concern group objecting on environmental grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for the reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that previous approval for similar use had been granted at the site and the applied use was not incompatible with

the surrounding open storage yards and vacant chicken sheds. There was no known development programme for the “Other Specified Uses (Rural Use)” zone and a temporary approval of three years would not frustrate the planning intention of this zone. Concerned Government departments had no objection, except DEP. However, there was no environmental complaint in the past three years. To address the environmental concerns raised by DEP and the public commenter, approval conditions restricting the operation hours, activities on site and maintenance of boundary fencing had been proposed. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts.

55. In response to the Chairperson’s enquiry, Mr. Frederick S.T. Ng affirmed that there was a domestic structure within the application site. He had no details on whether it was related to the proposed open storage use. However, no complaint had been received by DEP or during the publication period of this planning application.

Deliberation Session

56. Members noted that the application was generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) and a previous approval for similar open storage use had been given for the site and all planning conditions had been complied with.

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no operation between 7:00 p.m. and 7:00 a.m. was allowed on the site

during the planning approval period;

- (c) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (d) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (e) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of 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 13.1.2008;
- (h) 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 13.4.2008;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

58. The Committee agreed that the applicant would be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission.

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

- (a) resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that a strip of Government land was being occupied without permission. His office reserved the right to take land control action;
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the ingress/egress of the site did not abut on Kam Sheung Road. The status of the strip of land between the site and Kam Sheung Road and the body/bodies to provide, manage and maintain this strip of land should be checked and confirmed;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (e) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any possible environmental nuisances;
- (f) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. 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 building plans incorporated with the proposed FSIs to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance;

- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that all unauthorised building works/structures should be removed. All building works were subject to compliance with Buildings Ordinance. Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (h) note the Director of Electrical and Mechanical Services' comments that 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/her contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the lot, the applicant or his/her contractors should liaise with CLP Power Hong Kong Limited to divert the existing high voltage and/or low voltage overhead lines away from the vicinity of the development where necessary.

[The Chairperson thanked Mr. Frederick S.T. Ng, STP/TMYL, for his attendance to answer Members' enquires. Mr. Ng left the meeting at this point.]

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/495 Proposed Temporary Logistics Centre and Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1469(Part), 1471(Part), 1472(Part), 1473(Part), 1474(Part), 1475RP(Part), 1476RP(Part), 1477(Part) and 1479RP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/495)
-

Presentation and Question Sessions

60. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary logistics centre and open storage of containers for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and the access road (San Wai Road and Tin Ha Road) and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider whether the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas resulting in cumulative adverse traffic impact on the nearby road network;
- (d) one public comment from 7 commenters was received during the statutory publication period objecting on the grounds of serious traffic impacts and immediate threats to lives and properties of neighbouring residents from container stacking; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for reasons as detailed in paragraph 12.2 of

the Paper. The applied use was not incompatible with the surrounding land uses on both sides of San Wai Road which were warehouses, and open storage yards for containers, electrical appliances and metal ware. There was no known development programme for the “Recreation” zone and a temporary approval of three years would not frustrate the planning intention of this zone. Concerned Government departments had no objection, except DEP. To address DEP’s concerns, approval conditions restricting the operation hours and activities on site had been recommended. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although there was some traffic concern, there were similar open storage uses approved in the area and the approval of this application would be in line with the Board’s previous decisions. Besides, the applicant had proposed sufficient parking spaces and manoeuvring space in the development to ensure no obstruction to the traffic due to waiting and queuing. To address the public comment on stacking and location of containers, an approval condition restricting the stacking of containers had been included.

61. Members had no question on the application.

Deliberation Session

62. In response to a Member’s enquiry on whether there was a consistent approach in determining the operation hours allowed for different kind of uses, the Secretary advised that the operation hours, if reasonable and considered acceptable to concerned departments, usually followed that proposed by the applicant. If the applicant had not made any indication or the suggested operation hours was considered inappropriate, there were three major categories of operation hours for consideration of inclusion in the approval condition :

- (a) no night time operation between 11p.m. to 7a.m. : the restriction was commonly adopted taking into account DEP’s “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”;

- (b) no night time operation between 7 p.m. to 7 a.m. : it was the most stringent restriction. This would be imposed if there was domestic structure in the vicinity of the application site or the access road, and DEP did not support the application but from planning point of view the application could be tolerated; and
- (c) no night time operation between 9p.m. to 7a.m. : the control on operation hours was between (a) and (b) above.

63. The Secretary advised that in imposing restriction on the operation hours, the operational need, unique circumstances of the applied use, the surrounding environment of the site, and the previous approval granted were relevant considerations.

64. The Chairperson added that for the current application, the operation hours were proposed by the applicant as detailed in page 8 of the supplementary information at Appendix Ia of the Paper.

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no repairing and other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no stacking of containers within 5m from the peripheral fencing of the site, as proposed by the applicant, at any time during the planning approval period;

- (e) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (f) the implementation of the accepted landscape proposal as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (g) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2008;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.4.2008;
- (i) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the container-converted site office within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.1.2008;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) note the comments of District Lands Officer/Yuen Long (DLO/YL) that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office and to apply to his Office for Short Term Waiver to cover the proposed structures on site (such as site office), and Short Term Tenancy for the occupation of the small piece of Government land adjoining the private lots;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimize the possible environmental nuisance;
- (d) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the road/path/track leading to the site from Tin Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the information of the underground connection from the site to the existing stream should be shown, the size of the existing stream at the north of the proposed development should be shown and

checked to see if it had sufficient capacity to discharge the flow from the proposed U-channel, and DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the site.

67. The Committee agreed that the applicant would be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/YL-HT/497 Temporary Open Storage of Fibreglass Products with Workshop for a Period of 3 Years in "Recreation" zone, Lots 1480RP(Part) and 1481BRP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/497)
-

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of fibreglass products with workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the application site and the access road (San Wai Road and Tin Ha Road) and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider whether the approval of the application would set an

undesirable precedent for other similar applications in the surrounding areas resulting in cumulative adverse traffic impact on the nearby road network;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the application for temporary open storage of fibreglass products could be tolerated but did not support the temporary workshop for reasons as detailed in paragraph 12.2 of the Paper. The temporary open storage of fibreglass products was not incompatible with the surrounding land uses on both sides of San Wai Road which were warehouses and open storage yards for containers, electrical appliances and metal ware. There was no known development programme for the “Recreation” zone and a temporary approval of three years would not frustrate the planning intention of this zone. Concerned Government departments had no objection, except DEP. To address DEP's concern and mitigate any environmental impacts, approval conditions prohibiting workshop activities and restricting the operation hours had been recommended. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although AC for T/NT raised traffic concern, there were similar open storage uses approved in the area and the approval of this application would be in line with the Board's previous decisions. There was no local objection to the application.

69. Members had no question on the application.

Deliberation Session

70. In response to a Member's enquiry on whether enforcement action had been taken since rejection of the last planning application in 2004, Mr. Anthony C.Y. Lee advised that an enforcement notice was issued on 28.3.2007 on the storage and workshop uses. However, he did not have details of the enforcement action.

71. The Secretary advised that enforcement actions were undertaken by the Central Enforcement and Prosecution Section of the Planning Department. The enforcement history and current position of enforcement action regarding the application site would be reported as a Matters Arising item in the next RNTPC meeting.

72. In response to another Member's query, the Secretary pointed out that the Committee considered a paper 'Land Use Review on the Ha Tsuen Area on the Approved Ha Tsuen Outline Zoning Plan No. S/YL-HT/8' at the meeting on 25.5.2007. It was noted that the area on both sides of San Wai Road would be supported by adequate transport infrastructure and thus was suitable to be rezoned to "Open Storage" ("OS") and "OS(Group 1)". This explained why the previous application was rejected but the current application was recommended to be approved. The Chairperson added that the proposed rezoning would be in force after consultation with the Yuen Long District Council and subsequently gazetted under the Town Planning Ordinance.

73. Members had a lengthy discussion on whether temporary approval should be given for the workshop use. Some Members considered that a temporary planning approval of one year for the applied use of temporary open storage of fibreglass products with workshop should be given. They were of the view that the workshop was an indispensable part of the whole operation. It was noted that although the applied open storage and workshop uses had been in operation for some time, DEP had not received any environmental complaint in the past few years. The residential structures to the south of the site belonged to the landowner and the tenants were workers of the development. A shorter approval of one year could be given to monitor the environmental condition of the site. A partial approval for the open storage use only was impractical and enforcement action on the workshop part might be difficult.

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

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 13.7.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.10.2007;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2007;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2008;
- (g) the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.1.2008;
- (h) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (i) 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;

- (j) if any of the above planning conditions (c), (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.

75. The Committee also agreed to advise the applicant to :

- (a) note that a shorter approval period was imposed to monitor the environmental condition of the site and its impacts on the surrounding area;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office, and to apply to his office for Short Term Wavier and Short Term Tenancy to regularize the unauthorized structures on site and unauthorized occupation of Government land respectively;
- (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;
- (e) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the access road leading to the site from Tin Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and

- (f) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations to his Department for approval even though the submission of general building plans was not required under the Buildings Ordinance. In formulating the fire service installations proposal, the applicant was advised to make reference to the requirements as stipulated in paragraph 4.29 “Industrial/godown building – Low Rise” of the current version of the Codes of Practice for Minimum Fire Service Installations and Equipment.

76. The Committee agreed that the applicant would be reminded that the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

[Dr. Lily Chiang and Mr. B.W. Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/YL-HT/498 Renewal of Planning Permission for Temporary Open Storage of Used Electrical Appliances and Metal Wares for a Period of 3 Years in “Recreation” zone, Lots 1524(Part), 1525(Part), 1526(Part), 1531(Part), 1532(Part), 1534(Part), 1547(Part), 1548(Part) and 1549(Part) in DD 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/498)
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Presentation and Question Sessions

77. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning permission for temporary open storage of used electrical appliances and metal wares for a period of 3 years;

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories (AC for T/NT) requested the Committee to consider whether the approval of the application would set an undesirable precedent for other similar applications in the surrounding areas resulting in cumulative adverse traffic impact on the nearby road network;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for the reasons as detailed in paragraph 12.2 of the Paper. The applied use was not incompatible with the surrounding land uses on both sides of San Wai Road which were warehouses and open storage yards for containers, electrical appliances and metal ware. There was no known development programme for the “Recreation” zone and a temporary approval of three years would not frustrate the planning intention of this zone. Previous planning approval had been given and all approval conditions had been complied with. Concerned Government departments had no objection, including DEP. To mitigate any environmental impacts, approval conditions restricting the operation hours, activities on site, materials stored, and vehicles used had been recommended. An advisory clause was suggested on the need to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. Although AC for T/NT raised traffic concern, there were similar open storage uses approved in the area and the approval of this renewal application would be in line with the Board’s previous decisions. There was no local objection to the application.

78. Members had no question on the application.

[Mr. Michael K.C. Lai left the meeting temporarily at this point.]

Deliberation Session

79. Members noted that the application was for renewal of the previous approval.

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 8:00 p.m. to 8:00 a.m. as proposed by the applicant was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays as proposed by the applicant was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of cathode-ray tubes and used televisions should be permitted on the site at any time during the planning approval period;
- (d) no cutting, dismantling, melting, cleansing and other workshop activities should be carried out on the site at any time during the planning approval period;
- (e) no vehicle exceeding 5.5 tonnes, including container trailer and tractor was allowed for the operation of the site during the planning approval period;
- (f) the stacking height of materials stored on the site should not exceed 2.5 meters at any time during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/346 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/346 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2007;

- (i) 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 13.1.2008;
- (j) in relation to (i) 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 13.4.2008;
- (k) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted site offices within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.1.2008;
- (l) the provision of paving and fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the 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.

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

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

- (b) note the discrepancy between the application site and the existing occupation area and that adjoining workshop use outside the application site would be subject to enforcement action;
- (c) note the comments of District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office and to apply for Short Term Wavier to regularize the unauthorized structure on Lot No. 1525;
- (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;
- (e) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the local track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this local track should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (f) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that extension of inside services to the nearest suitable Government water mains for connection might be needed for provision of water supply to the development, any land matter (such as private lots) associated with the provision of water supply should be resolved, and the construction, operation and maintenance of inside services within the private lots should be the applicant’s responsibility and should be up to WSD’s standards.

[Mr. Michael K.C. Lai and Dr. Lily Chiang returned to join the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-NTM/213 Proposed Temporary Private Swimming Pool
for a Period of 3 Years
in “Village Type Development” zone,
Lot 2158RP in DD 104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/213)
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Presentation and Question Sessions

82. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private swimming pool for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons as detailed in paragraph 11.2 of the Paper.

83. Members had no question on the application.

Deliberation Session

84. Members considered the proposed swimming pool for a temporary period of three years could be approved as the site would be released when the site was required for Small House development.

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed swimming pool should not be open to members of the public;
- (b) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.1.2008;
- (c) in relation to (b) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.4.2008;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.1.2008;
- (e) in relation to (d) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.4.2008;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;

- (b) apply to the District Lands Officer/Yuen Long, Lands Department for Short Term Waiver for the erection of the proposed swimming pool;
- (c) approach the Regional Office (North) of Environmental Protection Department for advice on the requirements under the Water Pollution Control Ordinance;
- (d) note the Director of Food and Environmental Hygiene's comments that a valid swimming pool licence should be obtained in accordance with the Swimming Pools Regulation under section 42 of the Public Health and Municipal Services Ordinance (Cap 132) and consult the Food and Environmental Hygiene Department on the licensing requirements for the proposed use;
- (e) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structures for approval under the Buildings Ordinance (BO) was required. If the site was not abutting a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) during plan submission stage; and
- (f) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) advice that the applicant might need to extend his inside services to the nearest suitable Government water mains for connection for provision of water supply to the development. The applicant should resolve any land 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 standard.

[Professor David Dudgeon left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-ST/333 Renewal of Planning Permission for Temporary Container Vehicle Park, Open Storage of Containers and Public Car Park for a Period of 3 Years in “Undetermined” zone, Lot 372DRP(Part) in DD 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/333)
-

Presentation and Question Sessions

87. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning permission for temporary container vehicle park, open storage of containers and public car park for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long did not support the application as the landowner/operator had failed to apply to his office for regularisation of the unauthorised structures at the subject lot and unauthorised occupation of Government land. The Assistant Commissioner for Transport/New Territories had no comment on the application but advised that the traffic impact on Lok Ma Chau Road arising from the opening of Lok Ma Chau Spur Line was uncertain and the application should only be renewed for one year at most;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the application could be tolerated for the reasons as detailed in paragraph 12.2 of the Paper. The application was generally in line with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13D) in that previous approval had been

granted at the site and the approval conditions had been complied with. The applied use was not incompatible with the surrounding port-backup uses to its north. The site fell within the “Undetermined” zone which was intended to facilitate the planning and development of the Spur Line project. The application site fell outside the gazetted boundary of the Spur Line rail project which was under construction and sympathetic consideration could be given for temporary use of the site in the interim. In view of AC for T/NT’s comment, a shorter approval period of 12 months was proposed to monitor the traffic condition on the Lok Ma Chau Road after opening of Lok Ma Chau Spur Line. Concerned Government departments had no objection, except DLO/YL whose concern was on land administration aspect and could be sorted out by the applicant with relevant authorities. To minimise potential environmental impact, approval conditions restricting the operation hours and activities on site had been recommended. Advisory clauses were suggested on the need to comply with the Water Pollution Control Ordinance and follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts. There was no local objection to the application.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months until 13.7.2008, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site during the planning approval period;
- (b) no garage use, vehicle repair, dismantling activities and other workshop activities should be carried out on the site during the planning approval period;

- (c) set back the boundary of the site to avoid encroachment onto the gazetted alignment of the Sheung Shui to Lok Ma Chau Spur Line;
- (d) the existing landscape planting on the site should be maintained during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/269 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.10.2007;
- (g) the provision of a 9-litre water type/3kg dry powder fire extinguisher in the site office within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.1.2008;
- (h) 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;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note that a shorter approval period was imposed to monitor the traffic situation on the Lok Ma Chau Road after the opening of the Lok Ma Chau Spur Line;
- (b) to resolve any land issues relating to the development with other concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that no structures should be erected without prior approval from his office. The landowner/operator should apply to DLO/YL for Short Term Waiver and Short Term Tenancy to regularize the unauthorized structures on site and illegal occupation of Government land. His office reserved the right to take lease enforcement and land control actions against any irregularities;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (e) comply with the Water Pollution Control Ordinance and follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage' issued by Environmental Protection Department; and
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with Buildings Ordinance. Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Formal submission of any proposed new works including any temporary structure for approval under the Buildings Ordinance was required.

[Professor David Dudgeon returned to join the meeting at this point.]

Agenda Item 9

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/80-4 Application for Amendment to Permission - Proposed Residential Development (Amendments to the Scheme Previously Approved under Application No. A/YL-LFS/80) in “Green Belt” zone, Various Lots in DD 129 and Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/80-4)

Presentation and Question Sessions

91. Mr. Anthony C.Y. Lee, STP/TMYL, presented the paper and advised that the Planning Department (PlanD) requested for a deferment of the consideration of the application to allow time for Government departments’ consideration of the applicant’s late submission of a “Schedule of Lots” and revised Lot Boundary Plan on 5.6.2007 as well as a revised “Schedule of Lots” on 14.6.2007, which were crucial information in the application.

92. The Secretary added that according to the Town Planning Board Guidelines for ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB PG-No. 33), both the applicant and PlanD could request for deferral of consideration of a section 16 application once and up to a maximum period of two months.

93. Members had no question on the application.

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

Deliberation Session

94. After deliberation, the Committee decided to defer a decision on the application. The Committee also agreed that the application should be submitted to the Committee for

consideration within two months from the date of receipt of the further information from the applicant (i.e. on or before 14.8.2007).

[The Chairperson thanked Mr. Anthony C.Y. Lee, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lee left the meeting at this point.]

Agenda Item 10

Any Other Business

95. The Secretary informed Members that the Secretary for Development would meet Members at 9 a.m. before the TPB meeting on 20.7.2007. The TPB meeting would start at 10 a.m.

[Post-meeting Note : The meeting would start at 9 a.m. and the Secretary for Development would meet Members after the meeting at about 11:20 a.m.]

96. There being no other business, the meeting was closed at 4:15p.m..