

## **TOWN PLANNING BOARD**

### **Minutes of 373rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 6.6.2008**

#### **Present**

Director of Planning  
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. C.W. Tse

Assistant Director/New Territories, Lands Department  
Mr. C.S. Mills

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

Secretary

**Absent with Apologies**

Mr. B.W. Chan

Mr. David W.M. Chan

Professor Edwin H.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Rock C.N. Chen

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  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 372nd RNTPC Meeting held on 23.5.2008

[Open Meeting]

1. The draft minutes of the 372nd RNTPC meeting held on 23.5.2008 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that on 3.6.2008, the Chief Executive in Council (CE in C) approved the following two draft plans under section 9(1)(a) of the Town Planning Ordinance (the Ordinance) and approval of the plans would be notified in the Gazette on 13.6.2008 :

- (a) Cheung Sha Wan Outline Zoning Plan (OZP) (to be renumbered as S/K5/31); and
- (b) Urban Renewal Authority Hai Tan Street/Kweilin Street and Pei Ho Street Development Scheme Plan (to be renumbered as S/K5/URA2/2).

(ii) Reference of Approved Plans

3. The Secretary reported that on 3.6.2008, the CE in C referred five approved OZPs, namely Shouson Hill & Repulse Bay, Mong Kok, Kowloon Tong, Ma Wan and Fu Tei Au & Sha Ling OZPs, to the Town Planning Board (the Board) for amendment under section 12(1)(b)(ii) of the Ordinance. The reference of the approved OZPs would be notified in the Gazette on 13.6.2008.

(iii) Withdrawal of Judicial Review (HCAL 127/2007) of Town Planning Appeal Decision

Town Planning Appeal No. 20 of 2006 (20/06)  
Proposed Conversion of an Existing Commercial/Office Building for Hotel Use  
in “Residential (Group A)” zone, 83 Wuhu Street, Hung Hom  
(Application No. A/K9/206)

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4. The Secretary reported that on 2.11.2007, the Court of First Instance (CFI) granted leave to an application for judicial review (JR), lodged by Mega Well Limited (the Appellant), of the Town Planning Appeal Board (TPAB)’s decision on an appeal in respect of the planning application No. A/K9/206 for proposed conversion of an existing commercial/office building with a plot ratio (PR) of 12.033 for hotel use at the subject site which was zoned “Residential (Group A)” (“R(A)”) on the Hung Hom OZP No. S/K9/18. The appeal was dismissed by the TPAB on 31.7.2007. By its letter dated 26.5.2008, the Appellant informed the Board that it had decided not to proceed with the JR application. On 29.5.2008, the CFI ordered that the JR be withdrawn and the order was announced on 3.6.2008 in open court.

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/8                      Application for Amendment to the Approved Sha Tin Outline Zoning  
Plan No. S/ST/23, Ma On Shan Rail Che Kung Temple Station and  
Adjacent Land, Che Kung Miu Road, Sha Tin (Include the  
Comprehensive Development Area Only)  
(RNTPC Paper No. Y/ST/8)

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Presentation and Question Sessions

[The hearing was conducted in Cantonese.]

5. Mr. W.W. Chan, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN) and Ms. Ho Ka Bo, the applicant's representative, were invited to the meeting at this point.

6. The Chairperson extended a welcome and briefly explained the hearing procedures. She then invited the Planning Department (PlanD)'s representatives to brief Members on the background to the application.

7. Mr. W.W. Chan presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed amendments to the Notes of the "CDA(1)" zone – to lower the development potential from a total gross floor area (GFA) of 90,655m<sup>2</sup> (equivalent to a plot ratio of 5) to a plot ratio of 4, and to incorporate a maximum building height of 110mPD and a maximum building height of 25mPD for 3 areas within the application site;
- (c) departmental comments – the Chief Estate Surveyor/Railway Development, Lands Department did not support the proposed amendments as the proposed plot ratio and building height restrictions were all less than those permitted under the lease. Besides, an offer of basic terms and conditions for the grant of the subject lot to effect the approved scheme had already been accepted by MTRCL. This constituted a binding contract between the Government and MTRCL. The Secretary for Financial Services and the Treasury also objected to the proposed amendments as the development rights of the application site had been sold to MTRCL in the context of Railway Merger, and the maximum GFA of 90,655m<sup>2</sup> for property development was permitted on the subject site;
- (d) 18 public comments had been received during the statutory publication period. Ten were in support of the application, 6 were opposed to the application, and the other two provided other comments;

- (e) the Planning Department (PlanD)'s views – PlanD did not agree to the application for reasons as detailed in Paragraph 11.1 of the Paper. The site was located at the prime location of a strategic transport node. The current development parameter stipulated in the Notes of the “CDA(1)” zoning was considered appropriate as it would optimise the development potential of the site which was a valuable land resource and capitalize the accessibility of the MTR system. The Master Layout Plan (MLP) in accordance with the Planning Brief endorsed by the Committee was first approved under Application No. A/ST/554 on 31.5.2002. The latest amendment to the approved MLP under Application No. A/ST/554-2 was approved on 12.1.2007. As there was no mechanism to revoke the planning permission granted under the Town Planning Ordinance, MTRCL could still proceed with the approved MLP even if the current s.12A application was approved. Hence, the implementability of the proposal was in doubt.

8. The Chairperson then invited the applicant's representatives to elaborate on the application.

[Prof. David Dudgeon arrived to join the meeting at this point.]

9. With the aid of a Powerpoint presentation, Ms. Ho Ka Bo made the following main points:

- (a) the proposed development, if built according to the approved MLP, would be 40 storeys in height, which was very tall compared with the nearby Chun Shek Estate;
- (b) the narrowest separation between buildings were less than 3m. This would create wall effects and would not be compatible with Chun Shek Estate, which was less than 30 storeys in height, and other nearby lower density developments including schools and cultural facilities;

- (c) the applicant proposed to reduce the building height of the proposed development, and to introduce three view corridors ranging from 10m to 40m in width between buildings to provide better air ventilation and better views for Chun Shek Estate, Lee Uk Village and Sha Tin Tau; and
- (d) she hoped that the Committee would advise the Government that the wall effects issues associated with the proposed property developments at a few railway stations, including Che Kung Temple Station and Tsuen Wan West Station, remained unresolved and more discussions and urgent actions were needed to sort out the issues. For the property developments at Wu Kai Sha Station and Tai Wai Station, which were being implemented, little could be done to resolve the issues.

10. Members raised the following questions:

- (a) clarification of the narrowest separation between buildings; and
- (b) whether the approved MLP could be amended.

[Mr. Tony Kan arrived to join the meeting at this point.]

11. In reply, Mr. W. W. Chan made the following main points:

- (a) according to the drawings from the approved scheme in Application No. A/ST/554-2, there was no indication of the narrowest distance between buildings;
- (b) in the approved scheme, there was a view corridor/breezeway of 30m in width running through the center of the site with 2 building blocks proposed on each side of the corridor;
- (c) the applicant of Application A/ST/554-2 could implement the development scheme according to the approved MLP regardless of whether the subject application was agreed to or not. The applicant of Application No.

A/ST/554-2 could also propose amendments to the approved MLP in accordance with the Town Planning Board Guidelines for Class A and Class B Amendments to Approved Development Proposals (TPB-PG No. 36).

12. In response to the Chairperson's query, Ms. Ho Ka Bo confirmed that the narrowest distances between buildings were located between Towers 1 and 2, and between Towers 3 and 4. She elaborated that her proposed building separations for Towers 1 and 2 and Towers 3 and 4 were 15m and 10m respectively. Moreover, the main view corridor in the approved scheme would be widened from 30m to 40m.

13. As the applicant's representative had no further comment to make and Members had no question to raise, the Chairperson informed her that the hearing procedures for the application had been completed and the Committee would further deliberate on the application in her absence and inform the applicant of the Committee's decision in due course. The Chairperson thanked the applicant's and PlanD's representatives for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

14. A Member asked that since the Committee could not withdraw the planning permission of the approved scheme (No. A/ST/554-2), whether the Committee could ask the applicant of A/ST/554-2 to revise the approved scheme. The Chairperson replied that although the applicant had the right to implement the approved development scheme, the Committee could relay comments to the applicant for consideration.

15. A Member considered that the Committee should honour its previous decisions. The applicant should approach the concerned developers direct instead of seeking planning permission from the Committee to revise the schemes that had been approved. Nevertheless, the Committee should have a clear policy in reducing the wall effects of buildings. The Chairperson said that Planning Department had made a lot of efforts in recent years to study the air ventilation issues and undertook measures to respond to the concerns of the community on wall buildings. In future, design briefs and planning briefs to be prepared would incorporate, where appropriate, requirements concerning the distance between buildings.



16. A few Members commented that many development schemes were approved years ago when the public sentiments and the values of society were different. From today's perspective, there was room for improvements in the design of some of the existing/committed developments including the approved scheme at the application site.

17. A Member commented that for a comprehensive development of this nature, it was likely that amendments to the approved scheme would be made during implementation of the development proposal. The Committee could consider passing on some of its latest views on the proposal to the developer so as to allow the developer to take account of the Committee's comments in proposing further amendments to the approved scheme.

18. A few Members remarked that if the Committee relayed further comments on the approved scheme to the developer having regard to the proposals made in the current application, this would invite similar applications seeking revision to other development proposals that had been approved by the Committee. While noting such a concern, another Member said that the subject planning application was submitted under the provisions of the Town Planning Ordinance, it was the responsibility of the Committee to consider the application on its merits. The Chairperson pointed out that there were instances that the Committee provided developers with the approved schemes the Committee's views. The same could be done for the development in question.

19. Members generally considered that a reduction of plot ratio from 5 to 4 at the application site was not appropriate as this was not in line with the intention to place higher density developments near rail stations and major public transport interchanges and to optimise the development potential of the site. The reduction of the maximum building height was also not considered appropriate as it might further diminish the scope to increase separation of buildings. However, there might be opportunities for the developer to improve the design of the MLP in terms of disposition of buildings and wider building separation.

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

(a) the site was located at the prime location of strategic transport node. The

current development parameter stipulated in the Notes of the “Comprehensive Development Area (1)” (“CDA (1)”) zoning was considered appropriate as it would optimise the development potential of the site which was a valuable land resource and capitalise the accessibility of the MTR system. Moreover, the preparation of Master Layout Plan (MLP) would be guided by a planning brief; and

- (b) there was no mechanism to revoke the planning permission granted under Application No. A/ST/554-2. MTRCL could still proceed with the approved MLP even if this application was approved.

21. The Committee agreed that the Secretariat should relay its views on design aspect as stated in paragraph 19 to the applicant of Application No. A/ST/554-2 for reference.

#### **Agenda Item 4**

##### **Section 16 Applications**

[Mr. W.W. Chan, Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/NE-LYT/376 Proposed House (New Territories Exempted House (NTEH) — Small House) in “Agriculture” zone, Lot 1824A in DD 76, Ma Mei Ha Leng Tsui, Fanling (RNTPC Paper No. A/NE-LYT/376)
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##### **Presentation and Question Sessions**

22. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

House)

- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applicant as the NTEH should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. No objection from other concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One of them had no comment and the other with 12 signatures objected the application on the grounds that the present village living environment would be disrupted by the proposed development. The developer had given them the perception that the recreational facilities would remain unchanged for at least eight to ten years; and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessment given in paragraph 11 of the Paper. The proposed Small House complied with the interim criteria for assessing planning applications for NTEH/Small House development in that both the application site and the footprint of the proposed Small House fell entirely within the ‘VE’ of Ma Mei Ha Leng Tsui Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the same village. The application site was located to the immediate northwest of the “V” zone of Ma Mei Ha Village. It was not incompatible with the surrounding rural and village environment. Seven similar applications for Small House development were previously approved in the vicinity of the application site within the same “AGR” zone. Sympathetic consideration could be given as most of the concerned Government departments had no objection to the application.

23. Members had no question on the application.

Deliberation Session

24. 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 6.6.2012, 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 tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

25. The Committee also agreed to advise the applicant :

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's comments that :
  - (i) the application site was located within Water Supplies Department (WSD) flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
  - (ii) 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. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works; and
- (c) to liaise with the villagers to address their concerns.

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

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/NE-TKL/308 Proposed Temporary Open Storage of Construction Materials and Equipment for a Period of 3 Years in “Agriculture” and “Industrial (Group D)” zones, Lots 10A&B, 11(Part) and 15 in DD 84, Ta Kwu Ling (RNTPC Paper No. A/NE-TKL/308)
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Presentation and Question Sessions

26. Ms. Stephanie P.H. Lai, STP/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 equipment for a period of 3 years;
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agriculture in the area was still active and the potential for agricultural rehabilitation was high. The Director of Environmental Protection (DEP) did not support the

application as there were sensitive uses including domestic structures in the vicinity of the application site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the proposed development as the application site was a low-lying area adjacent to Ping Yuen River and no drainage impact assessment had been submitted. The Chief Engineer/Drainage Project, Drainage Services Department (CE/DP, DSD) objected to the application as the application site would encroach onto the public works project limit for drainage improvement which was scheduled to commence in early 2010. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was considered neither compatible nor in harmony with the existing landscape character. Significant adverse landscape impact on the existing landscape character due to the proposed development was anticipated. The approval of the application would set an undesirable precedent for future cases;

- (d) two public comments were received during the statutory publication period. The first one had no comment on the application. The second public comment was submitted by a villager of Tai Po Tin Village. He objected to the application on the grounds that there was adequate land reserved for open storage uses and the proposed development would cause air and noise nuisances, safety hazard, adverse visual impacts and flooding problems; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reason given in paragraph 13 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 there were adverse departmental comments and local objection to the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

27. Members had no question on the application.

### Deliberation Session

28. The Chairperson remarked that the proposed temporary open storage was not in line with the planning intention of the “Agriculture” zone, which covered over 93% of the application site.

29. After deliberation, the Committee decided to reject the application and the reason was that it did not comply with the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objection to the application. Insufficient information had been submitted to demonstrate that the proposed use would not generate adverse environmental, drainage and landscape impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(iii) A/ST/667 Government Refuse Collection Point and Proposed Cesspool in “Village Type Development” zone, Tsok Pok Hang Tsuen Refuse Collection Point, Tsok Pok Hang Road, Sha Tin  
(RNTPC Paper No. A/ST/667)

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### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the Government refuse collection point and proposed cesspool;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) one public comment was received during the statutory publication period. The commenter had no comment on the application. The District Officer consulted two village representatives (VR) of Tsok Pok Hang Village. They had no comment provided that the villagers could continue to dispose large size refuse beside the existing RCP; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons given in paragraph 10.1 of the Paper. The application was to regularize existing facilities and obtain permission for a proposed cesspool to improve disposal of wastewater. The application would not have adverse traffic and environmental impacts to the areas. There was no objection from Government departments.

31. Members had no question on the application.

#### Deliberation Session

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 6.6.2012, 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 Committee also agreed to advise the applicant :

- (a) to note the comments of the Director of Water Supplies that an existing DN25 water main would be affected and the applicant should bear the cost necessary for diversion works affected by the proposed development; and
- (b) to note the comments of Director of Environmental Protection on sewer diversion and proper maintenance of the facilities.



[Open Meeting (Presentation and Question Sessions Only)]

- (iv) A/TP/405 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 340 in DD 32 and Adjoining Government Land, Ha Wong Yi Au, Tai Po (RNTPC Paper No. A/TP/405)
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Presentation and Question Sessions

33. Dr. Kenneth S.S. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application as the NTEH development should be confined within the “V” zone as far as possible where the necessary traffic and transport facilities had been planned and provided. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the applicant failed to acknowledge that there was an existing native tree – *Trema tomentosa* within the application site and there was no detailed tree preservation proposal submitted to indicate that the tree would be preserved;
- (d) two public comments were received during the statutory publication period. The first one, from Mr. Chan Siu-kuen, the Indigenous Inhabitant Representative of Ha Wong Yi Au, supported the application. The second public comment was submitted by the Kadoorie Farm and Botanic Garden Corporation, which objected to the application on the grounds that (i) the applicant was not in line with the planning intention of the “GB” zone; (ii) there were no protection measures or compensatory planting proposed

concerning the existing trees at the site; (iii) and the steep slope might not be appropriate for Small House development; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons given in paragraph 13 of the Paper. The application did not comply with the Town Planning Board Guidelines for 'Application for Development within "Green Belt" ("GB") zone under section 16 of the Town Planning Ordinance' in that it would involve clearance of a native tree and affect the existing natural landscape of the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impact on the surrounding areas. The application also did not meet the interim criteria for assessing planning applications for NTEH/Small House development as the proposed Small House development was not in line with the planning intention of the "GB" zone. The approval of the application would set an undesirable precedent for similar applications within the "GB" zone.

34. Members had no question on the application.

#### Deliberation Session

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

- (a) the application did not comply with the TPB Guidelines for 'Application for Development within "Green Belt" ("GB") zone under section 16 of the Town Planning Ordinance' in that it would involve clearance of native tree and affect the existing natural landscape of the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impact on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for

similar applications within the “GB” zone. The cumulative effect of approving such applications would result in further encroachment of green belt area by building development and a general degradation of the natural environment in the area.

[The Chairperson thanked Mr. W.W. Chan, Dr. Kenneth S.S. Tang and Ms. Stephanie P.H. Lai, STPs/STN, for their attendance to answer Members’ enquires. Mr. Chan, Dr. Tang and Ms. Lai left the meeting at this point.]

[Dr. C.N. Ng left the meeting temporarily at this point.]

### **Sai Kung and Islands District**

[Ms. Ann O.Y. Wong and Ms. Margaret W.F. Lam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

#### **Agenda Item 5**

##### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i)           A/SK-HC/160           Proposed Utility Installation for Private Project (Electricity Package Transformer) in “Village Type Development” zone, Lot 1795RP(Part) in DD 244, Ho Chung, Sai Kung (RNTPC Paper No. A/SK-HC/160)
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##### **Presentation and Question Sessions**

36.           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 proposed utility installation for private project (electricity package

transformer);

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (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 had no objection to the application based on the assessment given in paragraph 10 of the Paper. The proposed electricity package transformer was required to provide electricity to the adjacent nine village houses under construction. This small-scale development was considered compatible with the village character of the surrounding areas. The proposed single storey electricity package transformer was small in scale. It was unlikely that the proposed use would have adverse impacts on the surrounding areas. Relevant Government departments had no adverse comments on the proposal. If planning approval was given to the application, the proposed development would be completed within six months.

37. Members had no question on the application.

#### Deliberation Session

38. 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 6.6.2012, 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 provision of water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscaping proposal to the

satisfaction of the Director of Planning or of the TPB.

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

- (a) apply to District Lands Officer/Sai Kung, Lands Department for short term tenancy and to note that the cable(s) would straddle along various private lots and prior consent from the concerned lot owners should be sought;
- (b) note the comments of the Chief Highway Engineer/New Territories East, Highways Department that he had to apply for excavation permit for excavation works on road/road features;
- (c) note the comments of the Director of Leisure and Cultural Services that the application site fell within the boundary of the Ho Chung Archaeological Site. The Antiquities and Monuments Office of the Leisure and Cultural Services Department should be informed at least two weeks prior to the commencement of excavation works so as to let the staff of the Antiquities and Monuments Office to conduct monitoring; and
- (d) resolve any land issue relating to the development with other concerned owner of the application site.

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

[Ms. Maggie Chan left the meeting temporarily at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/SK-HC/161 Proposed Religious Institution (Buddhist Hall)  
in "Agriculture" zone, Lot 199 in DD 244, Ho Chung,  
Sai Kung  
(RNTPC Paper No. A/SK-HC/161)
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Presentation and Question Sessions

40. The Secretary informed the meeting that replacement pages 7, 10 to 12 of the

Paper updating the comments of the Director of Fire Services was tabled at the meeting for Members' reference.

41. 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 proposed religious institution (Buddhist hall);
- (c) departmental comments – The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site fell within the “Agriculture” (“AGR”) zone in Ho Chung Valley which was one of the major high-quality agricultural land in Sai Kung. The potential for agricultural rehabilitation was high. The Director of Fire Services (D of FS) advised that the application was not acceptable without the provision of an emergency vehicular access. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed Buddhist hall with a height of 7m might create intrusive visual impact to the surrounding area. There was no information in the submission concerning the exact site location, design and layout setting of the proposed development, the external appearance and the landscape proposals. The visual and landscape impacts of the proposed development had not been demonstrated and there was insufficient information in the submission to justify the scale of the proposed development which might adversely affect the rural landscape character of the area.
- (d) 22 public comments were received during the statutory publication period. Among them, one petition was from the local villagers with over 100 signatures, two submissions were from Sai Kung District Councillors, one submission was from a green group and 18 submissions were from local residents and members of the public (including 11 standard letters and 7 individual letters). All of them objected to the application. They

expressed concerns that the proposed development might be converted into a columbarium and might generate noise and air pollution. The agricultural land in the area was under active farming. Agricultural value of the subject area would be degraded if the area was converted to religious use; and

[Ms. Maggie Chan returned to join the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for the reasons given in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of “AGR” zone for the area. There was no information in the submission regarding the built form, elevation and sectional/floor plans of the proposed Buddhist hall for detailed assessment and to justify the form and scale of the proposed structure which would adversely affect the rural landscape character of the area. The proposed Buddhist hall use without provision of an emergency vehicular access was considered not acceptable from fire safety point of view. The approval of the proposed use would set an undesirable precedent for other similar applications in the area.

42. Members had no question on the application.

#### Deliberation Session

43. The Chairperson remarked that there were not enough details in the proposed Buddhist hall proposal.

44. 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 “Agriculture” zone for the area which was to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation. There

were no strong justifications in the submission to merit a change in the planning intention;

- (b) there was no information in the submission regarding the built form, elevation and sectional/floor plans of the proposed Buddhist hall for detailed assessment;
- (c) there was insufficient information in the submission to justify the form and scale of the proposed structure which would adversely affect the rural landscape character of the area;
- (d) the proposed Buddhist hall use at the application site without provision of an emergency vehicular access was considered not acceptable from fire safety point of view; and
- (e) approving the proposed use would set an undesirable precedent for other similar applications in the area.

[Prof. Paul Lam and Ms. Maggie Chan left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (iii) A/SK-PK/157 Proposed 10 Houses (New Territories Exempted Houses (NTEHs) — Small Houses) in “Green Belt”, “Recreation” and “Village Type Development” zones, Lots 489A3, 490A1, 490ARP, 490B, 490C, 491D1, 491DRP, 491E, 491RP, 492A1, 492ARP, 492B1, 492B2, 492BRP, 492C to 492G, 588B, 588C1, 588CRP, 588D, 588RP(Part), 592A, 592B, 592RP, 594E1 and 594H in DD 222 and Adjoining Government Land, Pak Kong, Sai Kung  
(RNTPC Paper No. A/SK-PK/157)
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#### Presentation and Question Sessions

- 45. The Committee noted that on 26.5.2008, the applicant requested for deferment of



the consideration of the application to allow time to address the Transport Department's concerns.

Deliberation Session

46. 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 also 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.

[Open Meeting (Presentation and Question Sessions Only)]

(iv) A/SLC/88 Proposed Holiday Camp To Include Various Recreational Facilities in "Coastal Protection Area" zone, Lots 1564RP, 1573, 1575, 1576, 1578, 1580 to 1586, 1600 to 1607, 1613 to 1615, 1617 to 1620, 1624, 1627, 1628, 1635 to 1640, 1653 to 1659, 2762RP, 2769, 2771, 2775, 2809 and Government Land in DD 316, Pui O, Lantau Island  
(RNTPC Paper No. A/SLC/88)

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47. The Secretary said that the following members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted comments on the application, declared interests in this item :

Prof. David Dudgeon - being members of the Mai Po management and Development Committee under the WWF

Dr. James C.W. Lau - being an ex-member of WWF

The Committee noted that Dr. Lau had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

48. Ms. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed holiday camp to include various recreational facilities;
- (c) departmental comments – the Director of Environmental Protection (DEP) had reservation on the application. At present, there was no public sewer available in Pui O. In view of the anticipated scale and type of the proposal, the use of septic tank and soakaway system for sewage treatment would unlikely be appropriate and adequate for the proposal. The application site was located in the “Coastal Protection Area” (“CPA”) zone and was close to Pui O Beach and a natural stream, which might be adversely affected if not properly controlled and mitigated during the construction stage. There was also no information to demonstrate how the proposal would protect the natural stream. Notwithstanding the above, should the application be approved, DEP considered that a condition on the provision of wastewater treatment facilities should be imposed. The Antiquities and Monuments Office of the Leisure and Cultural Services Department (AMO) had no objection to the application, but commented that the subject site fell within the Pui O Archaeological Site. An Archaeological Survey (AS) previously conducted indicated the likely presence of a cultural layer dated to the Six Dynasties (A.D. 220-589). The AS recommended that a no-dig zone be established. The applicant was required to liaise with the AMO on the detailed implementation programme;
- (d) 38 public comments including a few comments from green groups were

received during the statutory publication period. They generally did not support the application as the proposed development was not in line with the “CPA” zone, and would bring about adverse impacts on the ecology, landscape, the environment and the wildlife of the surrounding areas. The proposed development was also excessive and was not in line with the definition of a holiday camp; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper. The Committee approved two applications for the same use with conditions on 22.5.1992 and 12.7.1996 respectively. The details of the proposed scheme were the same as those in the previously approved scheme (No. A/SLT/47). There were no significant changes in the planning circumstances and in the area since the previous planning application No. A/SLT/47 was approved. In addition, according to the “Revised Concept Plan for Lantau”, Pui O area had been recommended to be developed into a family-oriented recreational hub. The proposed holiday camp together with various recreational facilities was in line with the recommendation of the “Revised Concept Plan for Lantau”. The concerns of DEP could be addressed by an approval condition on sewage treatment facilities. Regarding the adverse public comments received, CTP/UD&L considered that the proposed scheme was not incompatible with the landscape character of the area. Conditions on the submission of a Master Layout Plan and a landscape proposal would also be imposed to monitor the proposed development. In addition, the District Lands Officer/Islands advised that the Lands Department was processing the proposed land exchange. The applicant had already accepted the Binding Basic Term Offer for the land exchange, and the owner had settled the demand note for the 10% of the premium required.

49. Members had the following questions:

- (a) referring to Plan A-4 of the Paper, a Member asked that whether there were any measures to preserve the trees at the site;

- (b) whether the proposed holiday camp had any components relating to the conservation of the existing natural landscape that was stated in the planning intention of the “CPA” zone;
- (c) whether the holiday camp could give visitors a better opportunity to gain access to the natural environment; and
- (d) whether the subject site had been used for recreational purposes.

50. In response, Ms. Margaret Lam made the following main points:

- (a) there were existing trees at the site and an approval condition on the submission and implementation of a landscape proposal had been proposed to monitor the landscape impacts arising from the proposed development;
- (b) there were no specific components in the proposal relating to the conservation of the existing natural landscape;
- (c) the planning intention of the “CPA” zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. According to the “Revised Concept Plan for Lantau”, the southern part of Lantau should be preserved for natural conservation and environmentally sustainable recreational and visitor uses. The “CPA” zone extended across the southern coast of Lantau Island and covered many areas worthy of natural conservation. As the site only formed a very small part of the land zoned “CPA” and was currently vacant without much vegetation, the natural environment would unlikely be adversely affected by the proposed holiday camp use;
- (d) the site was about 15 minutes’ walk away from Pui O Bay where there were facilities for water sports, camping and family-oriented recreational facilities. The proposed development would allow visitors to have better access to the natural environment; and

- (e) according to some old photographs, the application site had been used for recreational purposes but the use had now been terminated. Some derelict recreational facilities had remained at the site.

### Deliberation Session

51. The Chairperson noted that a previous planning permission (No. A/SLT/47) had been granted in 1996 and the planning permission was still valid until 12.7.2008. It was stated in the justifications from the applicant that, as the land exchange was still being processed, a fresh permission of the proposed development would give the applicant more time to negotiate and conclude the land exchange with Lands Department.

52. In response to a query from the Chairperson, Mr. C.S. Mills advised that as the applicant had already accepted the Binding Basic Term Offer for a land exchange, there was a binding contract between the applicant and Lands Department, which could not be back down unilaterally.

53. A Member commented that as the application site was in inland area, it seemed more suitable to be zoned as "Recreation". The Chairperson commented that even though the proposed development was in a "CPA" zone, it was more related to recreation than conservation. As the subject "CPA" zone covered not just the coastal areas but also the inland areas, consideration could be given to review the subject accordingly.

54. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 6.6.2012, 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 provision of wastewater treatment facilities to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the submission and implementation of a landscape proposal to the

satisfaction of the Director of Planning or of the TPB;

- (c) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the provision of emergency vehicular access to the site to the satisfaction of the Direction of Fire Services or of the TPB;
- (e) the provision of car-parking spaces and loading/unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission and implementation of archaeological mitigation measures to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB; and
- (g) the submission of a master layout plan together with an implementation programme of the proposed development to the satisfaction of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB.

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

- (a) note the Director of Environment Protection's comments in paragraph 8.1.2 of the Paper that :
  - (i) relevant environmental guidelines (e.g. ProPECC PN 1/94 "Construction Site Drainage") to control water quality impact during construction and site formation of the proposal should be followed; and
  - (ii) the applicant should check carefully whether the proposal would constitute any Designated Project under the Environmental Impact Assessment Ordinance (EIAO). If affirmative, the applicant/developer must follow the statutory EIA process and

obtain Environmental Permit for construction and operation of the DP. Subject to the details of proposal, attention should be paid to the Item C.12 (if dredging was required for the proposal) and Item F.2 (if the capacity of the on-site sewage treatment facilities was greater than 5,000m<sup>3</sup>/day) Part I Schedule 2 of the EIAO.

- (b) note the Chief Engineer/Development (2) of Water Supplies Department's comments in paragraph 8.1.7 that a section of the water mains at the entrance of the site would be affected. The applicant should bear the cost of any necessary diversion works;
- (c) note the Chief Highway Engineer/New Territories East, Highways Department's comments in paragraph 8.1.6 that no development should encroach onto Chi Ma Wan Road; and
- (d) note the Director of Leisure and Culture Services's comments in paragraph 8.1.9 of the Paper that :
  - (i) no construction works was allowed within the no-dig zone as shown in Drawing A-2 at level below 1.5m from the existing level; and
  - (ii) the applicant should liaise with the Antiquities and Monuments Office, Leisure and Cultural Services Department on the detailed implementation programme and should submit relevant building plans for advanced comment.

[The Chairperson thanked Ms. Ann O.Y. Wong and Ms. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members' enquires. Ms. Wong and Ms. Lam left the meeting at this point.]

[Mr. Timothy Ma left the meeting temporarily at this point.]

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

## **Tuen Mun and Yuen Long District**

[Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Ms. Paulina Y.L. Kwan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

### **Agenda Item 6**

#### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-LTY Y/2      Application for Amendment to the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6 from “Residential (Group C)” and “Government, Institution or Community” to “Comprehensive Development Area”, Various Lots in DD 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. Y/TM-LTY Y/2)

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56.            The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Donald Yap had declared interests in this item as he had current business dealings with HLD. As the applicant had requested to defer consideration of the application, Mr. Yap could be allowed to stay at the meeting.

#### **Presentation and Question Sessions**

57.            The Committee noted that on 22.5.2008, the applicant requested for deferment of the consideration of the application to allow time to prepare further information to address comments raised by various Government departments.

#### **Deliberation Session**

58.            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 also 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. C.S. Mills left the meeting at this point.]

**Agenda Item 7**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/TSW/44 School (Tutorial School) in “Residential (Group B)” zone,  
Shop 28-29, Podium Floor, Kingswood Richly Plaza  
(Phase II), 1 Tin Wu Road, Tin Shui Wai, Yuen Long  
(RNTPC Paper No. A/TSW/44)
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**Presentation and Question Sessions**

59. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the school (tutorial school);
- (c) departmental comments –no adverse comments from concerned Government departments were received;
- (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 had no objection to the application based on the assessment given in paragraph 12 of the Paper. The development was in line with Town Planning Board Guidelines for application for tutorial school (TPB PG- No. 40). The development was not incompatible with the existing uses of the surrounding premises. The subject premises was located in a separate commercial complex and there

was no common entrance with the residential towers of Locwood Court. The proposed tutorial school was not expected to create any disturbance to the residents of Locwood Court. Relevant Government departments including D of FS and BD had no objection to the application.

60. Members had no question on the application.

#### Deliberation Session

61. 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 6.6.2012, 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 condition that the provision of fire service installations for the tutorial school to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the Director of Fire Services's comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans application;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comments as detailed in paragraph 10.1.4 of the Paper;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application premises; and
- (d) to liaise further with the Secretary for Education with regard to the school registration matter.

[Open Meeting (Presentation and Question Sessions Only)]

- (ii) A/YL-HT/516 Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1489RP(Part), 1490RP(Part), 1492RP(Part), 1503RP(Part), 1505A, 1505RP(Part), 1506(Part), 1513(Part) and 1517(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/516)
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- (iii) A/YL-HT/517 Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1506(Part), 1512(Part), 1513(Part), 1514, 1515, 1516, 1517(Part), 1518, 1519(Part), 1520(Part), 1521(Part), 1522(Part) and 1535(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/517)
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- (iv) A/YL-HT/518 Temporary Open Storage of Containers for a Period of 3 Years in “Recreation” zone, Lots 1488RP(Part), 1489RP(Part), 1490RP(Part), 1491RP(Part), 1492RP(Part), 1503RP(Part), 1504(Part), 1505RP(Part), 1506(Part), 1507(Part), 1510RP(Part) and 1513(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/518)
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Presentation and Question Sessions

63. Noting that the three applications submitted by the same applicant were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together. The Committee noted that on 22.5.2008, the applicant requested for deferment of the consideration of the applications as the Transport Department might implement new traffic arrangement on San Wai Road shortly which would benefit the developments from a traffic point of view.

Deliberation Session

64. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicant pending the submission of additional information from the applicant. The Committee also agreed that the applications 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 a period of 4 months had been allowed and a total period of 6 months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (v) A/YL-HT/545 Proposed Public Utility Installation (Telecommunications Radio Base Station) in “Village Type Development” zone, Government Land at Sik Kong Tsuen, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/545)
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#### Presentation and Question Sessions

65. The Committee noted that on 20.5.2008, the applicant requested for deferment of the consideration of the application to allow time for preparation of the revised technical proposal in response to the comments of the Drainage Services Department, and to seek villagers’ support on the application.

#### Deliberation Session

66. 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 also 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.

[Mr. Edmund Leung left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (vi) A/YL-HT/547 Temporary Vehicle Workshop and Parking of Tractors/Trailers/Lorries with Ancillary Storage Facilities for a Period of 3 Years in “Undetermined” zone, Lots 1932(Part), 1933(Part), 1934RP(Part), 1936BRP(Part) and 1937RP(Part) in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/547)
- 

Presentation and Question Sessions

67. 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 vehicle workshop and parking of tractors/trailers/lorries with ancillary storage facilities for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received. The Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) advised that part of the site fell within the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”. The development within the works limit should not be approved;

[Mr. Timothy Ma returned to join the meeting at this point.]

- (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 – based on the assessment given in paragraph 12 of the Paper, PlanD considered that the temporary use could be tolerated for a period of 3 years. The development was not

incompatible with the surrounding uses in the “Undetermined” zone. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long term use of the “Undetermined” zone. Approval conditions could be imposed to address the concerns of CE/LW, CEDD, the Director of Fire Services (D of FS) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD). To mitigate any potential environmental impacts, approval conditions on restriction on operation hours had been recommended. Noting the revocation of the previous applications No. A/YL-HT/342 and 451, a shorter compliance period was recommended to closely monitor the fulfilment of approval conditions.

68. Members had no question on the application.

#### Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the western boundary of the site from the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)” during the approval period;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (d) the existing and replacement trees on the site should be maintained at all times during the approval period;
- (e) the replanting of the dead tree on the site within 3 months from the date of

the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2008;

- (f) the submission of drainage proposals within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2008;
- (g) in relation to (f) above, the implementation of the drainage proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2008;
- (h) the submission of fire service installations proposals with 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.9.2008;
- (i) in relation to (h) above, the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2008;
- (j) the provision of fencing of the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB 6.9.2008;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

70. The Committee also agreed to advise the applicant :

- (a) prior planning permission should be obtained before commencing the vehicle workshop and parking of tractors/trailers/lorries with ancillary storage facilities;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods had been imposed in order to monitor the fulfillment of approval conditions;
- (d) no further planning approval would be granted for non-compliance;
- (e) note the District Lands Officer/Yuen Long, Lands Department's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection;
- (g) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site 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;
- (h) note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that ingress/egress to/from the application site might be affected during the construction period for the widening of Ping Ha Road, and that he should not be entitled for any compensation arising from the above construction;



- (i) note the Director of Fire Services's comments to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating the FSIs proposal, the applicant was advised to note:
  - (i) the building plans should be drawn to scale and depicted with dimensions;
  - (ii) the location where the proposed FSIs were to be installed should be clearly marked on the building plans; and
  - (iii) approach his Dangerous Goods Division for advice on the licensing of the premises for storage/use of dangerous goods.

[Open Meeting (Presentation and Question Sessions Only)]

- (vii) A/YL-HT/549 Temporary Open Storage of Construction Materials for a Period of 3 Years in "Open Space" zone, Lots 904BRP and 907RP in DD 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/549)
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Presentation and Question Sessions

71. 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 construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and Ping Ha Road and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – for the reasons given in paragraph 13 of the Paper, PlanD did not support the application. The development was not in line with the planning intention of the “O” zone. It was not in line with the Town Planning Board Guidelines No. 13D in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments from DEP and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas. The development was currently the only open storage site within the subject “O” zone. Approval of the application would set an undesirable precedent and encourage other similar applications for similar development within the subject “O” zone.

72. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Open Space” zone, which was primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public; and
- (b) the proposed development was not in line with the Town Planning Board Guidelines No. 13D for Application for Open Storage and Port Back-up Uses in that no previous approval for open storage use had been granted for the site, there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the

surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

- (viii)      A/YL-HT/550      Temporary Open Storage of Fibreglass Products with Workshop for a Period of 3 Years in “Open Storage (1)” zone, Lots 1480RP(Part), 1481BRP(Part) and 1482RP in DD 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/550)
- 

Presentation and Question Sessions

74.      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 as there were sensitive uses in the vicinity of the site and the access road (San Wai Road and Tin Ha Road), and environmental nuisance was expected;
- (d)      no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e)      the Planning Department (PlanD)’s views – for the assessments given in paragraph 12 of the Paper, PlanD had no objection to the application. The subject “Open Storage (1)” (“OS(1)”) zone had already been occupied by a number of logistics centres, vehicle repair workshops and open storage yards. The use was therefore not incompatible with the surrounding land uses. To address the DEP’s concern and mitigate any potential

environmental impacts, approval conditions, including no night-time operation and no operation on Sundays and public holidays, had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee had also approved similar applications No. A/YL-HT/454, 460, 478 and 495 for various temporary uses in the vicinity of the site. Approval of the subject application was therefore in line with the Committee's previous decisions. As the previous planning permission was revoked on 13.4.2008 due to non-compliance with approval conditions, shorter compliance periods were recommended in order to monitor the fulfillment of approval conditions.

75. Members had no question on the application.

#### Deliberation Session

76. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.6.2011, 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 existing trees planted under the previous approved Application No. A/YL-HT/497 should be maintained at all times during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/497 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities

within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.9.2008;

- (f) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.9.2008;
- (g) in relation to (f) above, the provision of fire service installations, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 6.12.2008;
- (h) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2008;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

77. The Committee also agreed to advise the applicant :

- (a) prior planning permission should be obtained before commencing the development on the site;
- (b) shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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;
- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (f) to 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 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
- (g) to note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations (FSI) to his Department for approval. In formulating the FSI 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 (the Codes). According to the paragraph 4.29 of the Codes, sprinkler system was required for buildings with total floor area exceeding 230 square metres. As such, sprinkler system would be required in the proposed workshop with an area of 350 square metres. Moreover, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above Codes, the applicant was required to provide justifications to his Department for consideration.

[Open Meeting (Presentation and Question Sessions Only)]

- (ix) A/YL-MP/165 Proposed Temporary Wooden Boardwalk and Ringing Hut for a Period of 3 Years in “Site of Special Scientific Interest” zone, Government Land at Mai Po Nature Reserve at *Gei Wais 7* and 8, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/165)
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Presentation and Question Sessions

78. The Secretary said that the following members, being connected with the World Wildlife Fund Hong Kong (WWF) which submitted comments on the application, declared interests in this item :

- Prof. David Dudgeon - being members of the Mai Po management and Development Committee under the WWF
- Dr. James C.W. Lau - being an ex-member of WWF

The Committee noted that Dr. Lau had tendered apologies for being unable to attend the meeting.

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

79. 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 wooden boardwalk and ringing hut for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (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 – for the assessments given in paragraph 12 of the Paper, PlanD had no objection to the application. Given the temporary nature of the proposed development, the long term planning intention of the “SSSI” zone would not be frustrated. The proposed development complied with the requirements of the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12B) in that it supported the conservation of the ecological value of the fishponds which formed an integral part of the wetland ecosystem in the Deep Bay Area. The proposed development was considered minor in scale which was not incompatible with the surrounding area, comprising predominantly fishponds. Within the same “SSSI” zone, there were 6 similar applications for similar uses which were all approved by the Committee. There was no significant change in planning circumstances to warrant a departure from the Committee's previous decisions.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the condition that upon expiry of the planning permission, the reinstatement of the application site to its original state to the satisfaction of the Director of Planning or of the TPB.

82. The Committee also agreed to advise the applicant to note :

- (a) the District Lands Officer/Yuen Long, Lands Department's comments that the site situates on Government Land on which no structure was allowed to be erected without prior approval from his Office. The applicant should



apply to his Office for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STT application be approved, his Office on review of the situation, would resume or take new action as appropriate according to the established district land control programme. His Office would not guarantee a right-of-way to any proposed STT even if the subsequent regularization proposal was approved; and

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

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

[Open Meeting (Presentation and Question Sessions Only)]

- (x) A/YL-NSW/181 Proposed Low-rise Residential Development and Minor Relaxation of Building Height and Plot Ratio Restrictions in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" and "Residential (Group D)" zones, Lot 3719C in DD 104, Kam Pok Road, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/181)
- 

#### Presentation and Question Sessions

83. The Committee noted that on 19.5.2008, the applicant requested for deferment of the consideration of the application until the submission of further information, which would be made within 1 month from the date of their letter (i.e. on or before 19.6.2008) so as to allow time for them to prepare further information to address the departmental comments and to submit further information to substantiate the application.

Deliberation Session

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

[Open Meeting (Presentation and Question Sessions Only)]

(xi) A/YL-NSW/182 Proposed Petrol Filling Station in “Undetermined” and area shown as ‘Road’, Lots 999E, 1001ARP, 1002ARP and 1327RP in DD 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/182)

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Presentation and Question Sessions

85. The Committee noted that on 16.5.2008, the applicant requested for deferment of the consideration of the application to the Committee meeting to be held on 4.7.2008 (i.e. one month) to allow time to prepare supplementary information to address the drainage and landscape comments.

Deliberation Session

86. 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 also agreed that the application should be submitted to the Committee for consideration on 4.7.2008 upon receipt of further submission from the applicant and subject to there being no further information submitted which would require publication for public comments. The Committee also agreed to advise the applicant that about one month were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

- (xii) A/YL-NTM/224 Temporary Container Storage and Container Vehicle Park with Ancillary Repairing Workshop for a Period of 5 Years in “Open Storage” zone, Lots 2849(Part), 2915(Part), 2916(Part), 2917(Part), 2919(Part), 2920(Part), 2922, 2923, 2925RP(Part), 2926RP, 2927RP, 2930RP, 2932RP, 2935RP, 2937RP, 2938RP, 2939RP, 2940, 2941, 2942, 2943(Part), 2944(Part), 2945, 2946(Part), 2951(Part), 2952, 2953RP(Part) and 2972(Part) in DD 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/224)
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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 temporary container storage and container vehicle park with ancillary repairing workshop for a period of 5 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 90m away) and access road and environmental nuisance was expected. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that the site should not impose any restriction on the proposed drainage improvement works under PWP Item 118CD which was scheduled to commence in August 2008;
- (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 – based on the assessment given

in paragraph 12 of the Paper, PlanD considered that the temporary use could be tolerated for a period of 3 years. The development was generally in line with the planning intention of the “OS” zone. With regard to DEP’s concern on the environmental interface problem between the applied use and the residential dwelling nearby, a shorter approval period of 3 years, instead of 5 years as applied, and approval conditions on restriction on operation hours were recommended to monitor the situation. To address CE/MN, DSD’s concerns, an approval condition on the setting back of the site from the project PWP Item 118CD had been recommended. The site was the subject of a previous permission (No. A/YL-NTM/201) approved on 29.9.2006. The current application basically sought permission for the continuous use of the site as a temporary container storage and container vehicle park.

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 3 years until 6.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the site boundary to avoid encroachment on the works limit of the “PWP Item 118CD – Drainage Improvement in Northern NT Package B - Drainage Improvement Works in Ki Lun Tsuen, Yuen Long, N.T.” project as and when required by Government departments;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m. was allowed on the site during the planning approval period;
- (c) no operation on Sundays or public holidays between 5:00 p.m. and 10:00 a.m. was allowed on the site during the planning approval period;
- (d) the submission of landscape proposal including tree preservation scheme

within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2008;

- (e) in relation to (d) above, the implementation of the accepted landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2009;
- (f) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2008;
- (g) in relation to (f) 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 6.3.2009;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2008;
- (i) in relation to (h) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2009;
- (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 6.12.2008;
- (k) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning condition (d), (e), (f), (g), (h), (i) or (j) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without

further notice.

90. 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) note that shorter approval period had been imposed in order to monitor the situation;
- (c) apply to District Lands Office/Yuen Long (DLO/YL) for Short Term Waiver for erection of structures on the site and Short Term Tenancy for occupation of Government Land. Should no STW/STT application was received/approved, his Office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement/land control programme. Also, his Office would not guarantee a right-of-way to any proposed Short Term Waiver/Short Term Tenancy even if the regularisation proposal was approved;
- (d) note the comments of CE/MN, DSD to review the drainage proposal/ works as well as the site boundary in order not to cause encroachment upon areas outside the applicant's jurisdiction. No public drainage maintained by his Office was currently available for connection. The area was probably served by some of the existing local village drains which were probably maintained by District Officer (Yuen Long) (DO/YL). The applicant was advised to approach DO/YL to know more about these drains. If the proposed discharge point was to these drains, comment/agreement should be sought from the relevant departments on the proposal. No public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, DEP's agreement should be obtained. The applicant should not disturb or block all existing drains, channels and streams within and in its vicinity of the site and should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in the future. All

proposed drainage facilities should be constructed and maintained by the applicant at his own cost;

- (e) note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) to bear the cost of any necessary diversion works of existing water mains affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise. Government should not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (f) comply with the environmental mitigation measures recommended in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” as issued by DEP in order to minimise the possible environmental nuisance;
- (g) note the comments of the Director of Agriculture, Fisheries and Conservation that there were small fish ponds in the vicinity of the site. From fisheries point of view, should the application be approved, the existing access roads, water sources and drainage should be maintained and other disturbance should be avoided in order not to affect any fish pond farming activity operating in the vicinity;
- (h) note the comments of the Director of Fire Services to submit relevant building plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating the FSIs proposal, the applicant was advised to make reference to the requirements as

stipulated in paragraph 4.14 “Commercial – Low Rise” and paragraph 4.29 “Industrial/godown buildings – Low Rise” of the current version of the ‘Code of Practice for Minimum Fire Service Installations and Equipment’ for the structures used as office and workshop respectively. The applicant was advised to provide building plans to be shown to scale and depicted with dimension, and the location of where the proposed FSI was to be installed. The applicant was also advised to approach Dangerous Goods Division of Fire Services Department for advice on licensing of the site for repairing workshop purpose; and

- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiii) A/YL-KTN/295 Temporary Waste Tires Recycling Manufactory for a Period of 3 Years in “Undetermined” zone, Lots 1866ARP(Part), 1866BRP, 1876B(Part) and 1905RP(Part) in DD 107 and Adjoining Government Land, Cheung Chun San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-KTN/295)
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#### Presentation and Question Sessions

91. Ms. Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary waste tires recycling manufactory for a period of 3 years;



- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential structures in the vicinity of the site and environmental nuisance was expected. Chief Engineer/Project Management, Drainage Services Department had strong objection to the application as the site would encroach on the work site limit of the “Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvements, Stage 1, Phase 2B – Cheung Chun San Tsuen and Kam Tsing Wai” project. The project had commenced on 30.3.2007 and scheduled for completion in mid-2009. The proposed use would seriously obstruct the construction works of the project and attract claims from government. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the temporary factory was considered incompatible with the surrounding landscape setting and it was detrimental to the existing landscape character. Although the Director of Agriculture, Fisheries and Conservation (DAFC) had no objection to the application, she advised that appropriate mitigation measure to avoid causing pollution to the fish ponds and disturbance to the normal operation of fish culture such as control of site runoff and the proper maintenance of the access road to the fish ponds and access to water sources should be adopted;
- (d) one public comment from the village representative of Sha Po Tsuen was received during the statutory inspection period. He objected to the temporary manufactory/factory mainly on the grounds that there were dumping of garbage and scrap materials causing adverse impacts on the environment and mature trees. Approval of the application would further aggravate the situation. Besides, the used tyres which were made of poisoned material would penetrate the soil thereby adversely affecting the vegetation and ecology and threatening the health of the local residents and the Fisheries Research Station nearby; and
- (e) the Planning Department (PlanD)’s views – for the reasons given in paragraph 12 of the Paper, PlanD did not support the application. The

development was not compatible with the surrounding land uses which were predominated by residential structures/village houses and vacant lands. There was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “U” zone.

92. Members had no question on the application.

### Deliberation Session

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

- (a) the development was not compatible with the surrounding land uses which were predominated by residential structures/village houses and vacant lands;
- (b) there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental, traffic, drainage and landscape impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “Undetermined” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

- (xiv) A/YL-KTN/297 Proposed House (New Territories Exempted House — Small House) in “Agriculture” zone, Lot 942B1 in DD 109, Tai Kong Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/297)
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[Open Meeting (Presentation and Question Sessions Only)]

- (xv)        A/YL-KTN/298        Proposed House (New Territories Exempted House — Small House) in “Agriculture” zone, Lot 942C1 in DD 109, Tai Kong Po, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/298)
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Presentation and Question Sessions

94.        Noting that the two applications were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together.

95.        Ms. Paulina Y.L. Kwan, STP/TMYL, presented the applications and covered the following aspects as detailed in the Paper :

- (a)        background to the applications;
- (b)        the proposed houses (New Territories Exempted House — Small House);
- (c)        departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the applications as the agricultural activities in the vicinity of the sites were still active;
- (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 – for the assessments given in paragraph 12 of the Paper, PlanD had no objection to the applications. Although the applications did not comply with the Interim Criteria in that there was sufficient land in the “V” zone of Cheung Kong Tsuen to meet the future Small House demand in both Cheung Kong Tsuen and Tai Kong Po village, according to prevailing policy as advised by DLO/YL, cross-village Small House application submitted by a villager of a

post-1898 recognized village would not be entertained and erection of Small Houses by villagers of Tai Kong Po in another village was not acceptable. In this regard, the applicants who were villagers of Tai Kong Po could not erect Small House in Cheung Kong Tsuen even though there was still land available in the “V” zone of Cheung Kong Tsuen. The sites were excised from the application site of Application No. A/YL-KTN/111 which was approved for development of a proposed Small House by the Committee on 5.5.2000. Given that there was no major change in planning circumstance since the previous approval, sympathetic consideration could be given to the applications. Although DAFC did not favour the applications, there was no active agricultural activity on the sites. DLO/YL had no objection to the applications.

96. Members had no question on the applications.

#### Deliberation Session

97. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 6.6.2012, and after the said date, each permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the condition that the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

98. The Committee also agreed to advise the applicants to :

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

standard;

- (b) note the Chief Engineer/Mainland North and the Chief Engineer/Drainage Projects, Drainage Services Department's comments that the proposed developments should not cause hindrance to the existing overland flow. Otherwise, mitigation measures should be provided;
- (c) note the Director of Fire Services's comments that emergency vehicular accesses (EVAs), fire hydrants and fire service installations (FSIs) would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVAs, fire hydrants and FSIs would be formulated upon the receipt of formal application referred by the District Lands Officer/Yuen Long, Lands Department; and
- (d) note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), he advised that there were low voltage U/G cables in the vicinity of the site. In this respect, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicants and their contractors should liaise with CLPP to divert the existing low voltage U/G cables away from the vicinity of the proposed developments.

[Open Meeting (Presentation and Question Sessions Only)]

- (xvi) A/YL-KTN/299 Proposed Filling of Pond for Permitted Houses (New Territories Exempted House – Small House) in “Village Type Development” zone, Lots 754A to Q, 754R(Part), 754S(Part), 754T(Part), 754U(Part), 754V(Part), 754W(Part), 754X(Part), 754Y, 754Z, 754AA to AG, in DD 109, Shui Mei Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/299)
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Presentation and Question Sessions

99. The Committee noted that on 22.5.2008, the applicant requested for deferment of the consideration of the application for 3 months in order to allow time to resolve the departmental comments and the public comments.

Deliberation Session

100. 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 also 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, instead of three months as sought by the applicant, were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Open Meeting (Presentation and Question Sessions Only)]

(xvii)      A/YL-KTN/300      Proposed Houses in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” zone, Lots 111RP, 112RP, 114RP, 115RP, 116RP, 120RP, 260RP(Part), 261RP, 264(A-D)RP, 264 (E-H)RP, 266BRP, 268(A-B)(Part), 268CRP and 269B(Part) in DD 109 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/300)

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101.          The Committee noted that Dr. James C.W. Lau had declared interest on this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was the consultant for the applicant of the application. He had tendered apology for being unable to attend the meeting.

#### Presentation and Question Sessions

102.          The Committee noted that on 28.5.2008, the applicant requested for deferment of the consideration of the application for 1 to 2 months in order to allow time for preparation of supplementary information required.

#### Deliberation Session

103.          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 also 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.

[Open Meeting (Presentation and Question Sessions Only)]

- (xviii) A/YL-KTS/423 Temporary Open Storage of Vehicles (Including New/Used Left Hand or Right Hand Vehicles) for Sale for a Period of 3 Years in “Agriculture” zone, Lots 512RP(Part) and 515(Part) in DD 103 and Adjoining Government Land, Ko Po Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/423)
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Presentation and Question Sessions

104. Ms. Paulina Y.L. Kwan, 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 (including new/used left hand or right hand vehicles) for sale for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate north and east of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that although there were existing trees of common species within or at close proximity to the existing site, the screening effect was considered inadequate. Periphery tree planting was required for screening the site. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that conditions requiring the submission of drainage proposal and implementation of drainage facilities should be imposed;
- (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 – for the reasons given in paragraph 13 of the Paper, PlanD did not support the application. The



continuous occupation of the site for open storage of vehicles was not in line with the planning intention of the “AGR” zone. The development was considered not compatible with the residential structures located to its immediate north and east and the rural character of the area. The development did not comply with the Town Planning Board Guidelines No. 13D for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D) in that there was adverse departmental comment on the application and there was no information in the submission to demonstrate that the development would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas.

105. A Member asked whether there was any information on the use of the site since the previous planning permission (No. A/YL-KTS/126) lapsed on 17.7.1999. Ms. Paulina Kwan advised that there was no concrete information on the use of the site throughout the period since 17.7.1999 until now, but it was believed that open storage use had been active at the site. This was the reason why the site was the subject of an enforcement case and an Enforcement Notice was issued on 10.4.2008 to the concerned parties.

#### Deliberation Session

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

- (a) the continuous occupation of the site for open storage of vehicles was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes;
- (b) the development was considered not compatible with the residential structures located to its immediate north and east and the rural character of the area; and
- (c) the development did not comply with the Town Planning Board Guidelines

No. 13D for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13D) in that there was adverse departmental comment on the application and there was no information in the submission to demonstrate that the development would not generate adverse drainage, landscaping and environmental impacts on the surrounding areas.

[Open Meeting (Presentation and Question Sessions Only)]

(xix)        A/YL-KTS/424        Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 1012(Part), 1014(Part), 1015A(Part), 1015RP(Part), 1035(Part) and 1038(Part) in DD 113, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/424)

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(xx)        A/YL-KTS/425        Temporary Open Storage of Construction Machinery (Excavators) for a Period of 3 Years in “Agriculture” zone, Lots 1012(Part), 1013(Part), 1014(Part), 1015A(Part), 1015RP(Part), 1016(Part) in DD 113, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/425)

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107.        The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

#### Presentation and Question Sessions

108.        Noting that the two applications submitted by the same applicant were similar in nature and the application sites were close to each other within the same zone, Members agreed that the applications could be considered together.

109.        Ms. Paulina Y.L. Kwan, STP/TMYL, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;

- (b) the temporary open storage of construction materials for a period of 3 years and temporary open storage of construction machinery (excavators) for a period of 3 years;
- (c) departmental comments – The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications as vehicles exceeding 7m long were prohibited to enter Kam Ho Road and there was no existing access between the application sites and Kam Ho Road. The Director of Environmental Protection (DEP) did not support the applications as there were existing residential structures located in the vicinity of the site and along the access road to the site, and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the applications as the agriculture in the vicinity of the sites was active and the sites could be rehabilitated for agricultural purposes such as nursery gardening or greenhouse farming. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) did not support the applications as the proposed developments were not compatible with the existing rural landscape character;
- (d) one public comment from a Yuen Long District Council member was received for each of the applications. The Yuen Long District Council member stated that he had received many complaints from the village representatives of Ho Pui Village that the unauthorized changes of land uses in the village had already affected the living environment. He objected to the applications as the developments would pose greater environmental and traffic impacts on the surroundings; and
- (e) the Planning Department (PlanD)'s views – for the reasons given in paragraph 13 of the Paper, PlanD did not support the applications. The developments were not compatible with the surrounding land uses which were predominantly rural in character with cultivated and fallow agricultural land and scattered residential structures. The developments

were close to a large woodland zoned “CA” and the Tai Lam Country Park to its further south. The developments were not in line with the TPB PG-No. 13D in that there was no previous approval granted on the sites for open storage use and there were adverse departmental comments and local objection against the applications. There was insufficient information in the submission to demonstrate that the developments would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. The approval of the applications, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone.

110. Members had no question on the application.

#### Deliberation Session

111. After deliberation, the Committee decided to reject the applications and the reasons were :

- (a) the developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applications did not comply with the TPB PG-No. 13D in that the developments were not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the sites and there were adverse departmental comments and local objection against the applications;
- (c) there was insufficient information in the submissions to demonstrate that the developments would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas; and

- (d) the approval of the applications, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

[Open Meeting (Presentation and Question Sessions Only)]

(xxi)        A/YL-KTS/426        Proposed Comprehensive Residential Development in “Comprehensive Development Area” zone, Lots 547RP(Part) and 2160RP in DD 106 and Adjoining Government Land, Kam Tin South, Yuen Long  
(RNTPC Paper No. A/YL-KTS/426)

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112.        The application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). Mr. Donald Yap had declared interests in this item as he had current business dealings with HLD. As the applicant had requested to defer consideration of the application, Mr. Yap could be allowed to stay at the meeting.

#### Presentation and Question Sessions

113.        The Committee noted that on 30.5.2008, the applicant requested for deferment of the consideration of the application to allow time to resolve the departmental comments.

#### Deliberation Session

114.        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 also 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.

[Prof. David Dudgeon left the meeting at this point.]

[Open Meeting (Presentation and Question Sessions Only)]

- (xxii) A/YL-KTS/427 Renewal of Planning Approval for Temporary “Open Storage of Container Trailers for Sale, Vehicles/Spare Parts and Construction Materials” Uses for a Period of 2 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 401, 403, 404, 405RP, 406RP, 408RP, 409, 410, 411(Part), 414RP, 415RP(Part), 447RP(Part), 448(Part), 462(Part) and 463RP(Part) in DD 106 and Adjoining Government Land, Kam Sheung Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/427)
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Presentation and Question Sessions

115. Ms. Paulina Y.L. Kwan, 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 container trailers for sale, vehicles/spare parts and construction materials uses for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the immediate north and in the vicinity of the site, and environmental nuisance was expected;
- (d) two comments were received during the statutory publication period. The first comment from a Yuen Long District Council member pointed out that Kam Sheung Road had become more and more congested. He stated that particular attention should be paid to the traffic conditions when deciding whether the site was suitable for the temporary open storage uses. The second comment from the Pat Heung Rural Committee objected to the

application as they considered that the subject open storage would affect the nearby environment and bring about adverse visual impact; and

- (e) the Planning Department (PlanD)'s views – based on the assessment given in paragraph 12 of the Paper, PlanD considered that the temporary use could be tolerated for a period of 2 years. The development was considered not incompatible with the surrounding land uses. As there was no known development programme for the site, it was considered that the temporary planning permission for 2 years would not frustrate the long-term planning intention of the “OU(RU)” zone. The application was generally in line with the TPB PG-No. 13D in that previous approvals for the same use had been granted for the site and the approval conditions of the last application (No. A/YL-KTS/371) had been complied with. To address DEP's concerns, approval conditions restricting operation hours, prohibiting dismantling, maintenance, repairing, washing, paint-spraying and workshop activities and requiring maintenance of the solid boundary wall had been recommended. Regarding the local objections on traffic, environmental and visual grounds, the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) and the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no adverse comment on the application from their perspectives.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 16.6.2010, 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 6:00 p.m. and 9:00 a.m. was allowed on the application site during the planning approval period;

- (b) no operation on Sundays or public holiday was allowed during the planning approval period;
- (c) no dismantling, maintenance, repairing, washing, paint-spraying and other workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) the existing solid boundary wall on the application site should be maintained at all times during the planning approval period;
- (e) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) 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 6.12.2008;
- (h) 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;
- (i) if the above planning condition (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 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.



118. 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 District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate action against the unauthorised structures erected on the site and would consider cancelling the Modification of Tenancy (MOT) Permits in due course. The applicant was reminded to apply for Short Term Waiver (STW)/Short Term Tenancy (STT) to use the site for the applied purpose. Should no STW/STT application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement/land control programme. Moreover, the applicant should clarify why the existing occupation area was found to be different from that under application;
- (c) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department; and
- (d) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were high voltage (11kV) overhead lines, low voltage overhead lines and low voltage underground cables within and in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the high voltage overhead lines, low voltage overhead lines as well as low voltage underground cables away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxiii) A/YL-TYST/391 Temporary Warehouse for Storage of Vehicle Parts and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1547 and 1548 in DD 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/391)
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119. The Committee noted that Dr. James C.W. Lau had declared an interest on this item as he had current business dealings with Top Bright Consultants Ltd., which was the consultant for the application. He had tendered apology for being unable to attend the meeting.

Presentation and Question Sessions

120. Ms. Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of 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 as there were sensitive receivers located to the south and northwest of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – based on the assessment given in paragraph 11 of the Paper, PlanD considered that the temporary use could be tolerated for a period of 3 years. The warehouse use was not in conflict with the planning intention of the “U” zone. Since there was no known programme for permanent development on this part of the “U” zone,

the applied use on a temporary basis for 3 years would not frustrate the long-term use of the area. Although DEP did not support the application, the development was an enclosed warehouse. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address possible concern on the environmental impact and to prohibit open storage and workshop uses on the open area of the site, approval conditions restricting operation hours and type of vehicles used, prohibiting open storage, repairing, dismantling and workshop activities had been recommended.

121. Members had no question on the application.

#### Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday, as proposed by the applicant, was allowed during the planning approval period;
- (c) no open storage, repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy vehicles (i.e. over 24 tonnes), as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2008;

- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.3.2009;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2008;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.3.2009;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2008;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.3.2009;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the

application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

123. The Committee also agreed to advise the applicant :

- (a) prior planning permission should have been obtained before commencing the applied use and erecting any structures at the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate action against the erection of unauthorised structures on the site and would consider cancelling the Letter of Approval in due course. The applicant was reminded to apply for Short Term Waiver (STW) to regularise the irregularities on site. Should no STW application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement programme. Moreover, the vehicular access from Kung Um Road leading to the site ran through various private lots and Government land without particular maintenance works to be carried out thereon and the applicant should clarify why the existing occupation area was found to be different from that under application;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track between the site and Kung Um Road;
- (g) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;
- (h) to note that the 4 numbers of small fruit trees with fair condition previously on the site were found to have been removed. New trees should be planted along the periphery of the site to compensate for the lost trees and to alleviate the landscape impact arising from the warehouse;
- (i) to 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. The applicant should submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating the FSIs proposal for compliance with approval condition (h) above, the applicant should make reference to the requirements as stipulated in paragraph 4.29 'Industrial/godown buildings – low rise' of the current version of the Code of Practice for Minimum Fire Service Installations and Equipment for the structures used as offices and storage respectively. The applicant should also note that the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSIs to be installed should be clearly marked on the building plans;
- (j) note the Chief Engineer/Development (2), Water Supplies Department's

(WSD) comments that for provision of water supply to the development, the applicant might need to extend his 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 to the development and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorised structures on site were liable to action under section 24 of the Buildings Ordinance. However, the granting of planning approval should not be construed as condoning to any unauthorised 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. Formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
  
- (l) note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage overhead electricity supply lines within and in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his contractors and/or site workers, etc.) should consult CLPP and liaise with them to divert the existing low voltage overhead lines within the site boundary and/or in the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines.

[Open Meeting (Presentation and Question Sessions Only)]

- (xxiv) A/YL-TYST/393 Temporary Vehicle Repair Workshop for a Period of 3 Years in “Undetermined” zone, Lot 2357BRP in DD 120, Tin Lung Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/393)
- 

Presentation and Question Sessions

124. Ms. Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located to the south and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)’s views – based on the assessment given in paragraph 11 of the Paper, PlanD considered that the temporary use could be tolerated for a period of 3 years. The workshop was considered not incompatible with the surrounding land uses. Since there was no known programme for permanent development on this part of the “U” zone, the applied use on a temporary basis for 3 years would not frustrate the long-term use of the area. A previous planning approval had also been granted for the same applied use on the same site under application No. A/YL-TYST/261. Although DEP did not support the application, the development was small in scale and was separated from the residential dwellings by other uses. To address the possible environmental concern,



approval conditions restricting operation hours had been recommended.

125. Members had no question on the application.

#### Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 6.6.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holiday, as proposed by the applicant, was allowed during the planning approval period;
- (c) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the provision of a 9-litre water type/3kg dry powder fire extinguisher in each of the container-converted storerooms within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.12.2008;
- (f) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if the above planning condition (e) was not complied with by the specified

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

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

127. The Committee also agreed to advise the applicant :

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate action should any breach of the conditions of Short Term Waiver No. 3208 be found. Moreover, the vehicular access from Kung Um Road leading to the site ran through Government land without particular maintenance works to be carried out thereon;
- (c) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the vehicular access track between the site and Kung Um Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Environmental Protection Department;

- (f) consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding licensing of the premises for storage/use of dangerous goods; and
- (g) note the Director of Electrical and Mechanical Services's comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there was a low voltage overhead electricity supply line in the vicinity of the site. Prior to establishing any structure within the site, the concerned parties (i.e. the applicant of the proposed development, his contractors and/or site workers, etc.) should consult CLPP and if diversion of the low voltage overhead line in the vicinity of the structure was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of electricity supply lines.

[The Chairperson thanked Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Ms. Paulina Y.L. Kwan, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lam and Lee and Ms. Kwan left the meeting at this point.]

### **Agenda Item 8**

[Closed Meeting]

- 128. The minutes of this item were recorded under separate confidential cover.

### **Agenda Item 9**

#### **Any Other Business**

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