

TOWN PLANNING BOARD

**Minutes of 384th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 21.11.2008**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Mr. Y.K. Cheng

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. Chris Mills

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong

Absent with Apologies

Professor David Dudgeon

Mr. Edmund K.H. Leung

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Karina W.M. Mok

Agenda Item 1

Confirmation of the Draft Minutes of the 383rd RNTPC Meeting held on 7.11.2008

[Open Meeting]

1. The draft minutes of the 383rd RNTPC meeting held on 7.11.2008 were confirmed subject to amending the first sentence of paragraph 46 of the minutes to read “Mr H. M. Wong said that paragraphs 1.3(c) and 2(c) of the Paper had mentioned that the noise barrier under the updated Environmental Traffic Noise Impact Assessment Report was approved in October 2008 but according to his record, the noise barrier proposal was submitted by the applicant in September 2008 prior to the current application”.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) New Town Planning Appeals Received

(i) Town Planning Appeal No. 6 of 2008

Temporary Open Storage of Construction Materials and Machinery
for a Period of 3 Years in “Agriculture” zone,
Lot 1595(Part) in D.D. 113, Ma On Kong,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/421)

(ii) Town Planning Appeal No. 7 of 2008

Temporary Office for a Period of 3 Years
in “Agriculture” and “Village Type Development” zones,
Lot 1028B(Part) in D.D. 113,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/422)

(iii) Town Planning Appeal No. 8 of 2008

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 D.D. 113,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/424)

- (iv) Town Planning Appeal No. 9 of 2008
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) and 1016(Part) in D.D. 113,
Kam Tin, Yuen Long
(Application No. A/YL-KTS/425)
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2. The Secretary reported that the subject four appeals were received by the Appeal Board Panel (Town Planning) (AB) on 10.11.2008 against the decision of the Town Planning Board (TPB) to reject on review four applications (No. A/YL-KTS/421, 422, 424 and 425) for the captioned temporary uses for a period of 3 years. The subject site of Applications No. A/YL-KTS/421, 424 and 425 were zoned “Agriculture” (“AGR”) on the approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/11 whereas the subject site of Application No. A/YL-KTS/422 was zoned “AGR” and “Village Type Development” on the same OZP.

3. Applications No. A/YL-KTS/421, 424 and 425 were rejected by the TPB mainly for the reasons that (i) the development was not in line with the planning intention of the “AGR” zone; (ii) the application did not comply with the TPB Guidelines for “Application for Open Storage and Port Back-up Uses”; (iii) there was insufficient information to demonstrate that the proposed development would not generate adverse traffic, environmental, landscape and/or drainage impacts; and (iv) approval of the application, even on a temporary basis, would set an undesirable precedent. Application No. A/YL-KTS/422 was rejected by the TPB for the reasons (i), (iii) and (iv) as stated above and that the development was incompatible with the surrounding land uses which were predominantly rural in character.

- (v) Town Planning Appeal No. 10 of 2008
Temporary Warehouse for Storage of Ceramic Tiles
for a Period of 3 Years in “Agriculture” zone,
Lots 806, 808(Part), 809, 811, 812, 813(Part), 823 BRP, 824 BRP,
825, 826(Part) in D.D. 46 and Adjoining Government Land,
Loi Tung, Sha Tau Kok
(Application No. A/NE-MUP/54)

4. The Secretary reported that the subject appeal was received by the AB on 11.11.2008 against the decision of the TPB to reject on review an application (No. A/NE-MUP/54) for temporary warehouse for storage of ceramic tiles for a period of 3 years at a site zoned “AGR” on the approved Man Uk Pin OZP No. S/NE-MUP/11. The application was rejected by the TPB for the reasons that the applied use was not in line with the planning intention of the “AGR” zone, and no strong justifications had been provided for a departure from the planning intention, even on a temporary basis.

5. The Secretary said that the hearing dates of all five appeals were yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeals in the usual manner.

[Mr. C.W. Tse arrived to join the meeting at this point.]

(b) Town Planning Appeal Statistics

6. The Secretary reported that as at 21.11.2008, 19 cases were yet to be heard by the AB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	129
Yet to be Heard	:	19
<u>Decision Outstanding</u>	:	<u>0</u>
Total	:	280

Sha Tin, Tai Po and North District

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Stephanie P.H. Lai, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TK/3 Application for Amendment to the
Draft Ting Kok Outline Zoning Plan No. S/NE-TK/14
from “Agriculture” and “Green Belt”
to “Other Specified Uses (Spa Resort Hotel)”
and Proposed Addition of a New Set of Notes
for the Proposed “Other Specified Uses (Spa Resort Hotel)” zone,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/3C)

7. The Secretary reported that CM Wong & Associates Ltd. (CMW) and Hyder Consulting Ltd. (Hyder) were the consultants for the application. Dr. James C.W. Lau, having current business dealings with CMW and Hyder, had declared an interest in this item. Members noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

8. The Committee noted that the applicant’s representative had requested on 3.11.2008 for deferment of the consideration of the application in order to allow time to prepare a revised layout plan for the proposed development and relevant supporting information which would be submitted within two months.

Deliberation Session

9. 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.

Agenda Item 4

[Open Meeting]

Proposed Amendments to the

Approved Wo Keng Shan Outline Zoning Plan No. S/NE-WKS/8

(RNTPC Paper No. 16/08)

10. The Secretary reported that the proposed amendments to the approved Wo Keng Shan Outline Zoning Plan (OZP) No. S/NE-WKS/8 were mainly to take forward the Committee's decision on 15.8.2008 in agreeing to a s.12A application No. Y/NE-WKS/1 for the proposed extension of North East New Territories (NENT) Landfill. Mr. C.W. Tse had declared an interest in this item for being the representative of the Director of Environmental Protection (DEP), who was the applicant of s.12A application No. Y/NE-WKS/1. As matters concerning the proposed landfill extension had been deliberated by the Committee on 15.8.2008 and the item was for the consideration of proposed amendments to an OZP and related to the plan-making process, Members agreed that Mr. Tse's interest was indirect and could be allowed to stay in the meeting.

Presentation and Question Sessions

11. With the aid of a Powerpoint presentation, Ms. Stephanie P.H. Lai, STP/STN, presented the proposed amendments to the approved Wo Keng Shan OZP No. S/NE-WKS/8 and covered the following main aspects as detailed in the Paper :

(a) as detailed in paragraph 4 of the Paper, the proposed amendments to the

OZP involved the rezoning of sites from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Landfill” (“OU(Landfill)”) in accordance with the s.12A application No. Y/NE-WKS/1 for the proposed extension of the NENT Landfill;

- (b) as detailed in paragraph 5 of the Paper, the proposed amendments to the Notes of the OZP were mainly to incorporate the amended Chinese translation of ‘Flat’ use;
- (c) as detailed in paragraph 6 of the Paper, opportunity was taken to revise the Explanatory Statement of the OZP to take into account the proposed amendments and to reflect the latest planning circumstances of the OZP; and
- (d) the comments of concerned Government departments had been taken into account where appropriate. Subject to the Committee’s agreement to the proposed amendments, the North District Council and relevant rural committees would be consulted either before or during the exhibition period of the draft OZP for public inspection under section 5 of the Town Planning Ordinance.

12. Members had no question on the proposed amendments to the OZP.

[Mr. Y.K. Cheng arrived to join the meeting at this point.]

Deliberation Session

13. After deliberation, the Committee decided to:

- (a) agree to the proposed amendments to the approved Wo Keng Shan Outline Zoning Plan (OZP) No. S/NE-WKS/8 and its Notes as set out in paragraphs 4 and 5 of the Paper;
- (b) agree that the draft Wo Keng Shan OZP No. S/NE-WKS/8A at Annex B (to

be renumbered as S/NE-WKS/9 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;

- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (TPB) for the various land use zonings of the OZP, and
- (d) agree that the revised ES was suitable for exhibition together with the draft Wo Keng Shan OZP No. S/NE-WKS/8A (to be renumbered as S/NE-WKS/9 upon exhibition) and issue under the name of the TPB.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/74 Proposed Two 1-Storey Blocks for Shop and Services (Retail Use)
in “Residential (Group B) 2” zone,
Area between Hang Chi Street and Hang Tai Road, Area 86B,
Ma On Shan

(RNTPC Paper No. A/MOS/74)

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

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| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of the HKHA; |
| Mr. Chris Mills
as the Assistant Director (New Territories) of the Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA; |
| Mr. Andrew Tsang
as the Assistant Director (2) of the Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of the SPC of the HKHA; |

Professor Edwin H.W. Chan - being a member of the Building Committee of the HKHA; and

Messrs. B.W. Chan and Y.K. Cheng - being the former HKHA members.

15. The Committee noted that Mr. Andrew Tsang and Professor Edwin H.W. Chan had tendered apologies for being unable to attend the meeting, and considered that the other Members' interests direct and should leave the meeting temporarily for the item. As the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting for the item.

[Mrs. Ava S.Y. Ng, Mr. Chris Mills, Messrs. B.W. Chan and Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two 1-storey blocks for shop and services (retail use) with a total retail floor area of 410m²;
- (c) departmental comments – the concerned Government departments had no objection to or adverse comments on the application;
- (d) two public comments were received during the statutory publication period mainly raising concerns that the proposed retail floor area was inadequate to meet the daily needs of residents and the accessibility of the application site should be improved by provision of a footbridge link with the proposed “Commercial” (“C”) site in Area 77; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

The proposed retail use was in line with the planning intention of the “Residential (Group B)” (“R(B)”) zone under which commercial uses serving the residential neighbourhood might be permitted upon application. The maximum total domestic and non-domestic gross floor area for the public housing development at the application site and plot ratio restriction for the whole site would not be exceeded. The proposed use was small in scale and was considered not incompatible with the surrounding uses. No adverse traffic and environmental impacts were expected. As regards the public comments, the proposed retail use was for shopping convenience of the future residents of the concerned public housing development. Substantial retail facilities were available in Heng On Estate within walking distance of the application site. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that there was no imminent need to provide the proposed footbridge. However, he would have no objection if the future developer of the proposed “C” site in Area 77 agreed to provide and maintain the proposed footbridge. The District Lands Officer/Shau Tin, Lands Department would raise such requirement when finalizing the conditions of land sale for the concerned “C” site subject to TD’s support. If the application was approved, it was recommended to advise the applicant to allow flexibility for an area within the concerned public housing development for the proposed footbridge.

[Dr. C.N. Ng arrived to join the meeting at this point.]

17. While supporting the provision of a footbridge link with the proposed “C” site in Area 77, a Member asked about the implementation arrangements to ensure that it could be implemented. Mr. W.K. Hui said that the implementation agent for the proposed footbridge was yet to be determined. It could either be implemented by the Government or the future developer of the proposed “C” site in Area 77 if such requirement was incorporated into the conditions of land sale of the concerned “C” site. Notwithstanding, based on the current layout of the public housing development at the application site, the proposed footbridge was sited at a basketball court and hence it should be possible to accommodate the proposed footbridge within the application site without affecting any structures. The same Member

further asked if an approval condition relating to the proposed footbridge could be stipulated. Mr. W.K. Hui said that the proposed footbridge was not directly related to the proposed retail use under application and hence it might not be appropriate to stipulate an approval condition relating to the proposed footbridge. Nevertheless, in view of the local concerns, the Committee could consider stipulating an advisory clause requiring the applicant to allow flexibility for an area within the public housing development for the proposed footbridge as recommended in paragraph 12.3 of the Paper.

Deliberation Session

18. After further 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 21.11.2012, 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.

19. The Committee also agreed to advise the applicant to allow flexibility for a possible footbridge link between the application site and the proposed “Commercial” site in Area 77.

[Mrs. Ava S.Y. Ng, Mr. Chris Mills, Messrs. B.W. Chan and Y.K. Cheng returned to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/408 Proposed Residential Development with
Kindergarten and Agricultural Uses
in “Comprehensive Development Area (1)” zone,
Tai Po Town Lot 183, Various Lots in D.D. 11
and Adjoining Government Land, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/408A)

20. The Secretary reported that a letter dated 20.11.2008 from the applicant's representative clarifying the deferment period being sought was received and the corresponding replacement pages 2 and 3 as well as an additional Appendix II had been sent to Members and tabled at the meeting.

Presentation and Question Sessions

21. The Committee noted that the applicant's representative had requested on 28.10.2008 and 20.11.2008 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

Deliberation Session

22. 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/413 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" and "Village Type Development" zones,
Government Land in D.D. 22,
Cheung Uk Tei Village, Tai Po
(RNTPC Paper No. A/TP/413)

Presentation and Question Sessions

23. 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 Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed Small House might result in removal of bamboos and affect the landscape quality of the area. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period. The District Officer (Tai Po) advised that the Resident Representative of Cheung Uk Tei objected to the application mainly on the grounds that private development should not be allowed within “Green Belt” zone; the proposed development might cause fire safety and slope stability problems; and the application site, being Government land, should be developed as public open space; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the application site fell entirely within the village ‘environs’ of Cheung Uk Tei and there was a general shortage of land in the “Village Type Development” zone of the concerned village to meet the Small House demand. It was generally compatible with the surrounding rural environment and would not overstrain the infrastructural capacity. Regarding the concerns of CTP/UD&L, PlanD, the bamboos at the

application site and its vicinity were not of high preservation value and the Director of Agriculture, Fisheries and Conservation had no strong view on the application from nature conservation point of view. Regarding the local concerns, relevant Government departments, including the Director of Fire Services and Head of Geotechnical Engineering, Civil Engineering and Development Department, had no objection to the application. If the application was approved, an approval condition relating to fire safety aspect had been recommended and the applicant would be advised to comply with the relevant geotechnical standards for any new slopes/retaining walls arising from the proposed Small House development. Besides, the Director of Leisure and Cultural Services currently had no plan to develop the application site as public open space.

24. Members had no question on the application.

Deliberation Session

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.11.2012, 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 fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the applicant should note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow and detailed fire safety requirements would have to be formulated upon receipt of formal application referred by the Lands Department;
- (b) 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 the Water Supplies Department's standards;

- (c) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) the Environmental Protection Department should be consulted regarding the preferred sewerage treatment/disposal method for the proposed development; and
- (e) any new slopes/retaining walls as a result of the house development should be constructed up to the current geotechnical standards. Geotechnical submission to the Buildings Department (BD) or the District Lands Officer/Tai Po (DLO/TP) were required should the proposed development affected or be affected by existing slopes or walls. To achieve this, the applicant should appoint an Authorized Person/Registered Structural Engineer/Registered Geotechnical Engineer to submit any new works to DLO/BD/Geotechnical Engineering Office for checking.

Agenda Item 8

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/90-2 Proposed Comprehensive Residential Development
(Amendments to Approved Scheme)
in “Comprehensive Development Area”, “Green Belt”,
“Residential (Group C)3” zones and area shown as ‘Road’,
Various Lots in D.D. 100 and Adjoining Government Land,
Fan Kam Road, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/90-2)

Presentation and Question Sessions

27. The Committee noted that the applicant’s representative had requested on 5.11.2008 for deferment of the consideration of the application for two months in order to allow time to prepare clarifications/justifications to address the landscape concerns raised by the concerned Government department.

Deliberation Session

28. 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.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Ms. Stephanie P.H. Lai, STP/STN, for their attendance to answer Members’ enquiries. Mr. Hui and Ms. Lai left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Wilson Y.L. So, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Mr. Anthony C.Y. Lee, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), were invited to the meeting at this point.]

Agenda Item 9

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-MP/1 Application for Amendment to the
Approved Mai Po and Fairview Park
Outline Zoning Plan No. S/YL-MP/6
from “Recreation” and “Conservation Area”
to “Other Specified Uses” annotated
“Comprehensive Development and Wetland Protection Area”,
Lots 2985, 2986, 2987, 2988, 2990, 2992, 2993, 2994, 2995, 2996, 2997,
2998, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 S.A,
3010 S.B, 3010 S.C, 3010 S.D, 3011, 3012, 3014, 3015, 3056, 3057,
3058 S.A, 3058 RP and 3062 in D.D. 104 and Adjoining Government
Land near Yau Mei San Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. Y/YL-MP/1)

Presentation and Question Sessions

29. The Committee noted that the applicant’s representative had requested on 16.10.2008 for deferment of the consideration of the application for two months in order to allow time to prepare further information in support of the application.

Deliberation Session

30. 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.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/576 Temporary Open Storage of Containers
with Ancillary Office for a Period of 3 Years
in “Open Storage”, “Recreation”
and “Village Type Development” zones,
Lots 1103 RP, 1104 RP, 1105, 1106(Part), 1107, 1109, 1110(Part), 1130
RP(Part), 1131(Part), 1132(Part), 1138(Part), 1139 RP(Part), 1139 S.A
RP, 1140(Part), 1141 RP, 1142, 1143 RP(Part), 1145(Part), 1152(Part),
1153(Part), 1154 RP(Part), 1155(Part), 1156, 1157(Part), 1158(Part),
1161(Part), 1162(Part), 1163(Part), 1164(Part), 1165, 1166, 1168(Part),
1169 RP(Part), 1181(Part), 1188 RP(Part), 1189 RP(Part), 1190(Part),
1191(Part), 1192(Part), 1193(Part), 1194(Part), 1195(Part), 1196(Part)
and Adjoining Government Land in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/576)

Presentation and Question Sessions

31. 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 containers with ancillary office 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 application site and access road (Ha Tsuen Road), and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) was concerned that approval of the application would set an undesirable precedent for similar applications in the area and approving such similar applications might induce cumulative adverse traffic impact on the nearby road network;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Despite that the southern portion of the application site was the subject of five previous planning approvals, the current application was an extension of the last approved application (No. A/YL-HT/540) towards the north-east to cover an additional area which fell within the “Recreation” and “Village Type Development” (“V”) zones. The applied use was not in line with the planning intention of the “V” zone and no strong justification had been given for a departure from such planning intention, even on a temporary basis. The applied use on the north-eastern portion of the site was not compatible with the nearby village settlements, including those at the village core of Tseung Kong Wai and residential dwellings to its east. Besides, the development did not meet the TPB Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there were adverse comments from DEP and traffic concern from AC for T/NT, TD. There was insufficient information to demonstrate that the applied use would not have adverse environmental and traffic impacts. Most of the area to be extended under the current application was the subject of two applications (No. A/YL-HT/524 and 552) rejected by the Committee on 18.1.2008 and 20.6.2008 respectively. There was no change in planning circumstances to merit a departure from the previous Committee's decisions. Approval of the current application would set an undesirable

precedent for similar applications in the area.

32. In response to the Chairperson's enquiry on whether the applied use on the southern portion of the application site which fell within the "Open Storage" ("OS") zone was considered acceptable, Mr. Wilson Y.L. So, DPO/TMYL, said that open storage uses on the southern portion was generally in line with the planning intention of the "OS" zone and would generally be considered acceptable provided that there were no adverse departmental comments and local objections. The Chairperson noted that there was traffic concern on the application. Mr. Wilson Y.L. So said that TD had generally adopted a practical approach in considering previous applications for open storage uses in the area in that applications which could provide adequate buffer area within the application site for vehicle parking to avoid on-street parking and queuing would normally be considered acceptable from transport operation viewpoint. As for the current application, AC for T/NT, TD had concern about the cumulative adverse traffic impact on the surrounding area. The crucial issue of the application was that the north-eastern portion of the application site had encroached onto the "V" zone and was close to the existing village settlements which was considered undesirable from land use planning and environmental viewpoints. As such, the application could not be supported.

Deliberation Session

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

- (a) the applied use at the north-eastern portion of the site was not compatible with the nearby village settlements, in particular the residential dwellings to the east and the cluster of village type developments to the north;
- (b) the extension of the container yard further to the north-east was not in line with the planning intention of the "Village Type Development" ("V") zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The approval of the application would frustrate the planning intention of the "V" zone. No strong justification had been given in the submission for a departure from such

planning intention, even on a temporary basis; and

- (c) the development was not in line with the Town Planning Board Guidelines No. 13E for “Application for Open Storage and Port Back-up Uses” in that there were adverse departmental comments and there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas.

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/582 Proposed Temporary Public Vehicle Park
(Private Car and Light Goods Vehicles) for a Period of 3 Years
in “Open Space” zone,
Lots 904 S.B RP and 907 RP in D.D.125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/582)

Presentation and Question Sessions

34. 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 public vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – the concerned Government departments had no

objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed public vehicle park could serve the needs of residents in nearby villages and was not incompatible with the surrounding land uses. As there was no development programme for the subject “Open Space” (“O”) zone, approval of the application on a temporary basis would not frustrate the planning intention of the “O” zone. To minimise the potential environmental impacts, approval conditions restricting the operation hours and types of vehicles had been recommended. The applicant would also be advised to follow the relevant code of practice to adopt environmental mitigation measures. A previous application (No. A/YL-HT/260) for temporary public vehicle park and lorry park on a larger site was approved by the Committee on 9.8.2002. Approval of the current application was in line with the Committee's previous decision. As the previous application No. A/YL-HT/260 had been revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to monitor the fulfillment of approval conditions.

35. Members had no question on the application.

Deliberation Session

36. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 21.11.2011, 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 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes were allowed to be parked on the application site during the planning approval period;
- (c) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.2.2009;
- (d) in relation to (c) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2009;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2009;
- (f) in relation to (e) above, the provision of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.5.2009;
- (g) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2009;
- (h) in relation to (g), the provision of fire service installations for the proposed structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2009;
- (i) the provision of paving and 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 21.2.2009;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice;

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

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) shorter compliance periods were granted in order to monitor the fulfillment of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time limit;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the District Lands Officer/Yuen Long (DLO/YL)’s comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and to apply for Short Term Wavier to regularize the unauthorized structure on site;
- (e) note the Chief Building Surveyor/New Territories West, Buildings

Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; containers to be used as office were considered as temporary buildings that were subject to control under Building (Planning) Regulation Part VII; and formal submission of any proposed new works, including any temporary structures, for approval under the BO was required;

- (f) note the following comments of the Chief Engineer/Mainland North, Drainage Services Department about the drainage proposal of the application :
 - (i) the connection details and the information of the discharge point should be given in the drainage proposal;
 - (ii) the details of boundary walls should be submitted to illustrate unobstructed flow of surface runoff from adjacent areas. Open channels of adequate sizes on both sides of the wall or adequate openings at the foot of the wall should be constructed to allow the passage of rainwater from adjacent areas; and
 - (iii) DLO/YL should be consulted and relevant lot owners' consent should be obtained as regards all proposed drainage works outside the subject lots;
- (g) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress via Ping Ha Road to/from the site might be affected during the construction period for the widening of Ping Ha Road under Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 and that he should not be entitled for any compensation thereof;

- (h) 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; and

- (i) note the Director of Fire Services' comments to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for consideration and approval, and make reference to the following requirements in formulating the FSIs proposal for the proposed structure :
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;

 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and Fire Services Department (FSD) Circular Letter 5/2008;

 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuating point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device installation;

 - (iv) a modified hose reel system supplied by 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

 - (v) portable hand-operated approved appliances should be provided as

required by occupancy and should be clearly indicated on plans;

- (vi) justifications should be provided to his department for consideration should the applicant wish to apply for exemption from the provision of certain FSI as prescribed above; and
- (vii) detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/443 Proposed Temporary Public Vehicle Park and
Open Storage of Private Cars for Sale for a Period of 2 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 509, 510, 514 and 515 RP in D.D. 106,
Kam Po Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/443)

Presentation and Question Sessions

38. The Committee noted that the applicant had requested on 11.11.2008 for deferment of the consideration of the application in order to allow time to consult relevant Government departments and prepare further information which would be submitted no later than 21.1.2009 to address departmental comments.

Deliberation Session

39. 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.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/231 Proposed Shop and Services to Clubhouse Building
with Minor Relaxation in Plot Ratio Restriction from 0.4 to 0.419
in “Residential (Group C)” zone,
Lots 2058 S.A and 2058 RP in D.D. 105,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/231)

Presentation and Question Sessions

40. The Committee noted that the applicant had requested on 5.11.2008 for deferment of the consideration of the application to late December 2008 in order to allow time to prepare further information.

Deliberation Session

41. 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.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/572 Renewal of Planning Approval for Temporary Petrol Filling Station
under Application No. A/YL-PH/511
for a Period of 3 Years until 23.12.2011
in “Village Type Development” zone,
Lots 2095 S.B RP, 2096 S.B RP and 2097 S.B RP in D.D. 111,
Wang Toi Shan Lo Uk Tsuen,
Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/572)

Presentation and Question Sessions

42. 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) renewal of planning approval for temporary petrol filling station (PFS) under Application No. A/YL-PH/511 for a period of 3 years until 23.12.2011;
- (c) departmental comments – as the subject PFS mainly served heavy vehicles and three village houses to the immediate north-east of the site were under construction with the second and third floors having direct line of sight to the site, the Director of Environmental Protection (DEP) raised concerns about the possible noise nuisances to the future residents of the village houses. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) had not received any Small House application on the site and had no objection to the application. Other concerned Government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – based on the assessment made in paragraph 12 of the Paper, PlanD considered that the temporary PFS could be tolerated. As DLO/YL had not received any Small House application on the site, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone. The applicant had complied with the approval conditions attached to the last application No. A/YL-PH/511. Favourable consideration might be given to the renewal of the temporary planning permission. Regarding DEP's concerns, there were already some existing village houses at about 40m to the north-east of the site when the previous planning permissions were granted. The PFS was directly abutting Kam Tin Road and no liquefied petroleum gas was sold at the site. There was also no complaint received in the last three years. As such, the possible nuisance/risk arising from the PFS might not be significant. Besides, a solid wall of 3m high as previously required by DEP under Application No. IDPA/YL-PH/4 had been erected along the northern site boundary to mitigate noise/visual impacts. To address DEP's concerns, a shorter approval period of 2 years was recommended to monitor the situation. Approval conditions restricting workshop activities and requiring maintenance of the drainage facilities on site had been recommended. The applicant would also be advised to follow the relevant code of practice to adopt environmental mitigation measures.

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

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years up to 23.12.2010, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (b) the drainage facilities implemented on site under Application No. A/YL-PH/511 should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) a shorter approval period of 2 years was imposed in order to monitor the situation on site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. There was a Building Licence issued on Lot 2096 S.B RP to cover the existing canopy-type structure thereon. A Short Term Waiver (STW) No. 2452 had also been granted to the landowner of Lot 2095 S.B RP in D.D. 111 for the purpose of office and installation of oil interceptor ancillary to a petrol filling station to allow structures with built-over area not exceeding 10.04m². His site inspection found that the existing built-over area on the lot was 13.56m². The applicant should apply for regularization of the excessive built-over area on the lot. His office did

not guarantee any right-of-way in respect of the STW No. 2452;

- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that a project "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" was being carried out by the Highways Department in the vicinity of the site;
- (d) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (e) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that the existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerline of the water mains should be provided to WSD. No structure should be erected over the 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 authorize;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required;

- (g) note the Director of Fire Services' comments that the applicant was advised to make reference to "Codes of Practice of Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment" and "Design, Construction, Modification, Maintenance and Decommissioning of Filling Station" (IP Code) to comply with relevant licensing requirements; and

- (h) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were 11 kV high voltage underground cables in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure within the site, the applicant and his contracts should liaise with CLPP to divert the 11 kV high voltage underground cables away from the vicinity of the proposed development.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/291 Renewal of Planning Approval for
Temporary Container Tractor and Trailer Park for a Period of 3 Years
in "Open Storage" zone,
Lots 1094(Part), 1095(Part), 1102(Part), 1104B(Part),
1105(Part) in D.D. 123 and Adjoining Government Land,
Fuk Hi Street, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/291)

Presentation and Question Sessions

46. The Committee noted that the applicant had requested on 11.11.2008 for deferment of the consideration of the application for one month in order to allow time to address issue relating to Government land within the application site.

Deliberation Session

47. 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.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/147 Shop and Services (Real Estate Agency)
in “Village Type Development” zone,
Lot 225 S.D in D.D. 112,
Lai Uk Tsuen, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-SK/147)

Presentation and Question Sessions

48. The Committee noted that the applicant had requested on 31.10.2008 for deferment of the consideration of the application for two months in order to allow time to clarify the application site boundary and prepare further information to address departmental comments.

Deliberation Session

49. 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.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/148 Proposed Four Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lots 1504 and 1505 in D.D. 112,
Tsing Tam Village, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/148)

Presentation and Question Sessions

50. The Committee noted that the applicant’s representative had requested on 7.11.2008 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments.

Deliberation Session

51. 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.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/352 Proposed Temporary Public Vehicle Park
(excluding Container Vehicles) for a Period of 3 Years
in “Undetermined” zone,
Lot 244 S.B RP(Part) in D.D. 99 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/352)

Presentation and Question Sessions

52. The Committee noted that the applicant’s representative had requested on 31.10.2008 for deferment of the consideration of the application in order to allow time to prepare further information which would be submitted within two months to address departmental comments.

Deliberation Session

53. 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.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/237 Temporary Place of Recreation, Sports or Culture
(including Gymnasium, Indoor Recreation Centre
and Sports Training Grounds) for a Period of 5 Years
in “Village Type Development” zone,
Government Land in D.D. 116,
Wing On Primary School, Shung Ching San Tsuen,
Tai Shu Ha Road West, Yuen Long
(RNTPC Paper No. A/YL-TT/237)

Presentation and Question Sessions

54. 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, highlighting that the last approved application (No. A/YL-TT/218) for similar use at the application site submitted by the same applicant was revoked on 30.5.2008 due to non-compliance with the approval conditions on submission of tree preservation and fire service installations within the specified time limit;
- (b) the temporary place of recreation, sports or culture (including gymnasium, indoor recreation centre and sports training grounds) for a period of 5 years;
- (c) departmental comments – the concerned Government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. As only simple decoration works would be made to the existing vacant school premises, the proposed development was considered not incompatible with the surrounding uses which were predominantly village housing, agricultural uses and vacant land. It was relatively small in scale and no significant adverse impacts on the surrounding environment were expected. Approval of the application on a temporary basis would not frustrate the planning intention of the “Village Type Development” zone. Unlike the previous application No. A/YL-TT/218, a professional consultant had been engaged in the current application to ensure full compliance with the approval conditions. Sympathetic consideration could thus be given to the current application, but shorter compliance periods were recommended to monitor the fulfilment of approval conditions.

55. Members had no question on the application.

Deliberation Session

56. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years up to 21.11.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation hour was restricted to 9:00 a.m. to 6:00 p.m., as proposed by the applicant, during the planning approval period;
- (b) the drainage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the submission of access proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.2.2009;

- (d) in relation to (c) above, the implementation of access proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.5.2009;
- (e) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.2.2009;
- (f) in relation to (e) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2009;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2009;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2009;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods were granted in order to monitor the situation on site and the fulfilment of approval conditions;

- (b) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the proposed Short Term Tenancy No. 2186 by the applicant was being processed by his office;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that if the access proposal was approved by the Transport Department, the applicant should construct the run in/out at the access point in accordance with the latest version of HyD's Standard Drawings No. H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. An interception channel should be constructed at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out. HyD should not be responsible for the maintenance of any vehicular access between the site and Tai Shu Ha Road West;
- (e) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any possible environmental nuisances;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that statements on whether the existing trees would be preserved and information on the maintenance arrangements of the trees were not included in the tree survey with the tree location plan submitted by the applicant;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works for approval was required under the Buildings Ordinance (BO). It

should be noted that a building on land with a tenancy or a lease granted by the Government was subject to the control of the BO;

- (h) note the Chief Engineer/Development(2), Water Supplies Department's comments that there were water mains rehabilitation works "Replacement and Rehabilitation of Water Mains Stage 2 - Contract No. 11/WSD/06" along and within the site. Free access should be maintained and provided to the Water Authority and his officers, agents and contractors and his or their workmen 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 the said area. The Government should not be liable for any damage whatsoever and however caused arising from burst or leakage of the public water mains within and in the vicinity of the site;
- (i) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his office for approval. Detailed fire safety requirement would be formulated upon receipt of the layout plan. In this connection, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the building plans; and
- (j) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage underground cables within the site and 11 kV high voltage underground cables in the vicinity of the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. Prior to establishing any structure

within the site, the applicant and his contractors should liaise with CLPP to divert the low voltage/high voltage underground cables away from the vicinity of the proposed development.

Remarks

58. The Chairperson said that Agenda Items 20 to 29 would not be open for public viewing as they were in respect of an application and nine rezoning requests submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

59. The Secretary said that there were a number of applications/rezoning requests which were submitted under the pre-amended Town Planning Ordinance (pre-amended Ordinance) but deferred consideration by the Committee upon the request of the applicants/proponents. The Secretariat had written to the applicants/proponents reminding them of the need to reactivate the applications/rezoning requests. In some cases, there were either no responses or no further information were submitted by the applicants/proponents. As these applications/rezoning requests had been submitted years ago, there should be sufficient time for the applicants/proponents to prepare further information. Furthermore, the previous technical assessments in support of the applications/rezoning requests would likely be outdated due to passage of time. Under the existing Town Planning Board Guidelines, deferment of applications/rezoning requests would only be entertained once with good justifications. It was therefore considered that there was no cause for the continued deferments of the outstanding applications/rezoning requests. Apart from the cases to be considered at this meeting, other long outstanding applications/rezoning requests would be submitted to the Committee for consideration by batches. Members agreed to the arrangements.

Agenda Item 30

[Closed Meeting]

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

Agenda Item 31

Any Other Business

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/540-1 Extension of Time for Compliance with Approval Condition -
Temporary Open Storage of Containers with Ancillary Office
for a Period of 3 Years in “Open Storage” zone,
Lots 1141RP(Part), 1142, 1143RP, 1144(Part), 1145(Part), 1146(Part),
1152(Part), 1153(Part), 1154RP(Part), 1155(Part), 1156, 1157(Part),
1158(Part), 1161(Part), 1162(Part), 1163(Part), 1164(Part), 1165, 1166,
1168(Part), 1169RP(Part), 1181(Part), 1188RP(Part), 1189RP(Part),
1190(Part), 1191(Part), 1192(Part), 1193(Part), 1194(Part), 1195(Part),
1196(Part) and Adjoining Government Land in D.D. 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/540-1)

88. The Secretary said that an application for extension of time (EOT) to comply with approval condition (j) under application No. A/YL-HT/540 was received on 7.11.2008 and a subsequent letter from the applicant rectifying a typo error in the submission was received on 11.11.2008. The application No. A/YL-HT/540 was approved by the Committee on 9.5.2008 for temporary open storage of containers with ancillary office for a period of 3 years up to 9.5.2011 subject to approval conditions. Approval condition (j), relating to provision of fencing for the application site, should be complied with by 9.11.2008. The time limit for compliance with condition (j) had already expired at the time of consideration by the Committee at this meeting and the planning permission had been revoked on 9.11.2008. As such, the EOT application could not be considered as the planning permission no longer existed at the time of consideration by the Committee. If the applicant would like to continue the temporary open storage of containers with ancillary office at the application site, a fresh section 16 application would be required.

89. After deliberation, the Committee agreed that the application for extension of time could not be considered as the planning permission no longer existed at the time of consideration. The Committee also agreed to advise the applicant that a fresh section 16 application for the temporary open storage of containers with ancillary office would be

required.

90. There being no other business, the meeting was closed at 4:30 p.m..