

TOWN PLANNING BOARD

Minutes of 387th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.1.2009

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

Dr. James C. W. Lau

Mr. Rock C.N. Chen

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. Simon K.M. Yu

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

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

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
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 386th RNTPC Meeting held on 19.12.2008

[Open Meeting]

1. The draft minutes of the 386th RNTPC meeting held on 19.12.2008 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Town Planning Appeal Received

- (i) Town Planning Appeal No. 11 of 2008 (11/08)
Temporary Warehouse for Storage of Metalware
for a Period of 3 Years in “Residential (Group C)” zone,
Lots 1096(Part), 1841A, 1843A(Part), 1843RP, 1844A, 1845A(Part)
and 1845B(Part) and Adjoining Government Land in D.D. 124,
Hung Shui Kiu Main Street, Ping Shan, Yuen Long
(Application No. A/YL-PS/283)
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2. The Secretary reported that an appeal was received by the Town Planning Appeal Board (TPAB) on 15.12.2008 against the decision of the Town Planning Board (TPB) on 26.9.2008 on review an application (No. A/YL-PS/283) for a temporary warehouse for storage of metalware at a site zoned “Residential (Group C)” on the approved Ping Shan Outline Zoning Plan No. S/YL-PS/11. The application was approved with conditions by the Board on a temporary basis for a period of 12 months until 26.9.2009. However, the appeal was abandoned by the Appellant on his own accord on 19.12.2008. The abandonment was confirmed by the TPAB in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations on 22.12.2008.

- (ii) Town Planning Appeal No. 13 of 2008
Proposed Minor Amendments to an Approved Scheme of Residential Development at “Residential (Group A)” and “Residential (Group C)7” zones on the approved Mid-Levels West Outline Zoning Plan No. S/H11/14, 2A – 2E Seymour Road, 23 – 29 Castle Road and 2, 4A, 6 and 6A Castle Steps, Mid-levels West, Hong Kong (Application No. A/H11/87-1)
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3. The Secretary reported that an appeal was received by the TPAB on 29.12.2008 against the decision of the Board to reject the review application seeking to delete Condition (h) of the approval of the captioned s.16A application. Condition (h) stipulated that in the event that the TPAB’s decision of 25.2.2008 in Town Planning Appeal No. 5 of 2005 was set aside, the s.16A approval should lapse automatically without any further act on the part of the Board.

4. The review application was rejected by the Board on 17.10.2008 for the reason that Condition (h) was to set out clearly the legal consequence that the approved amendment scheme would fall away if the judicial review application lodged by the Board succeeded in setting aside the decision of the TPAB to allow the original planning application. The condition was appropriate, reasonable and necessary.

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

(b) Appeal Statistics

6. The Secretary said that as at 9.1.2009, a total of 20 cases were yet to be heard by the TPAB. Details of the appeal statistics were as follows :

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	20

Decision Outstanding	:	<u>1</u>
Total	:	283

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/162 Proposed Minor Relaxation of Plot Ratio,
Site Coverage and Building Height Restrictions
in “Residential (Group C) 1” and “Residential (Group C) 3” zones,
Lot 1107 and its Extensions in D.D. 217, Pak Sha Tou, Sai Kung
(RNTPC Paper No. A/SK-PK/162)

Presentation and Question Sessions

7. The Committee noted that the applicant requested on 2.1.2009 for a deferment of the consideration of the application to allow time for him to provide clarification on the lease restrictions of the subject lots.

Deliberation Session

8. 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 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TLS/33 Proposed Minor Relaxation of Building Height Restriction from 9m to
16.95m in “Residential (Group C) 5” zone,
Lot No. 1973 RP in S.D. 2 Sai Kung
(RNTPC Paper No. A/SK-TLS/33)

Presentation and Question Sessions

9. Ms. Ann O.Y. Wong, STP/SKIs, informed members that a replacement page of P.1 of the Paper was tabled at the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed minor relaxation of building height restriction from 9m to 16.95m;

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

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) did not support the application since there was no design merit to support the proposed relaxation on height restriction. The design of the proposed platform had paid no regard to the adjoining land uses, creating adverse visual impact. The relaxation of the 2 residential storeys would further increase the height of the proposed development above a massive and bulky platform. Approval of the application would set an undesirable precedent for similar development in the area and would create cumulative adverse impact to the surrounding developments. The proposed podium was incompatible to the surrounding landscape character and would dominate the landscape of

the area. The proposed cutting/filling to form the building terrace made in-situ preservation of any of the existing trees impossible. There was no information in the submission to demonstrate that the proposed relaxation of building height would not cause adverse visual and landscaping impacts;

- (d) During the statutory publication period, 5 public comments were received. One public comment was in support of the application provided that land premium would be paid and four public comments including one submission from Sai Kung District Councillor and the Fei Ngo Shan Area Resident's MAC Association objected to the height relaxation as it was not in line with the planning intention of low-rise and low density development, incompatible with the surrounding land-use and creating adverse visual and landscape impacts; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed relaxation of building height from 9m to 16.95m could not be considered as minor in terms of scale and visual impacts. In order to achieve a building height of 16.95m, the proposed redevelopment involved filling up the existing terrace to form a massive bulky platform which would cover almost the entire site above the carriageway level. The relaxation sought was excessive and was not compatible with the surrounding residential use in the area which was characterized as low-rise and low-density residential development. The large podium was incompatible with the surrounding landscaped character. There was no justification and design merit to support the building height relaxation. No visual impact assessment and landscape proposal were provided by the applicant. Besides, the proposed building height of 16.95m was not in line with the planning intention of "R(C)" zone which was intended primarily for low-rise and low-density residential developments. There were two similar planning applications (Nos. A/SK-TLS/2 and A/SK-TLS/4) for proposed minor relaxation of building heights. Both applications were rejected by the Committee on 15.12.1995 and 12.1.1996 respectively on grounds of insufficient information to demonstrate building

height relaxation was minor in scale, no strong design merits and setting an undesirable precedent for similar application. The approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to adverse impact on the visual quality and character of the area.

10. Members had no question on the application.

Deliberation Session

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

- (a) the proposed relaxation of building height was considered excessive. There was no strong justification and design merit to support the proposed relaxation on height restriction;
- (b) there was no information in the submission to demonstrate that the proposed relaxation of building height would not cause adverse visual and landscaping impacts; and
- (c) the approval of the application would set an undesirable precedent for similar applications, the cumulative impact of which would lead to adverse impacts on the visual quality and the existing character of the area.

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

Sha Tin, Tai Po and North District

[Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/4 Application for Amendment to the Approved Kwu Tung South
Outline Zoning Plan No. S/NE-KTS/12 from “Green Belt” to
“Government, Institution or Community (1)”,
Fanling Sheung Shui Town Lot 151,
18 Wu Tip Shan Road, Fanling
(RNTPC Paper No. Y/FSS/4)

Presentation and Question Sessions

12. The Committee noted that the applicant requested on 12.12.2008 for a deferment of the consideration of the application for two months to allow time for him to carry out assessments on landscape, traffic and environmental aspects and to address departmental comments.

Deliberation Session

13. 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 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-SC/1 Proposed Temporary Ecological Enhancement Works
For a Period of 3 Years
in “Agriculture” and “Coastal Protection Area” zones,
Various Lots in D.D. 190 and D.D. 203
and Adjoining Government Land, Sham Chung
(RNTPC Paper No. A/DPA/NE-SC/1)

Presentation and Question Sessions

14. The application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Messrs. Alfred Donald Yap and Y. K. Cheng had declared an interest in this item as they had current business dealings with SHK. The Committee noted that Mr. Cheng had tendered apologies for being not able to attend the meeting. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap was allowed to stay in the meeting.

15. The Committee noted that the applicant requested on 22.12.2008 for a deferment of the consideration of the application for two months to allow time for him to consult green groups and prepare supplementary information to address comments raised by Government departments.

Deliberation Session

16. 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/NE-KTS/270 Proposed Utility Installation for Private Project
(Electricity Package Transformer)
in “Village Type Development” zone,
Lot 1291 S.C in D.D. 92, Kam Tsin Village, Sheung Shui
(RNTPC Paper No. A/NE-KTS/270)

Presentation and Question Sessions

17. 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) proposed utility installation for private project (electricity package transformer);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) One public comment indicating ‘no comment’ was received during the statutory publication period. The District Officer (North), Home Affairs Department advised that the Chairman of Sheung Shui District Rural Committee, concerned North District Council member, and Residents’ Representative of Kam Tsin had no comment, while Indigenous Inhabitants’ Representatives of Kam Tsin supported the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed electricity package transformer was required for the provision of power supply to the NTEHs – Small Houses in the vicinity of

the application site. The proposed development was small in scale and was considered not incompatible with the village character of the surrounding areas. In view of the nature and design of the proposed electricity package transformer, it was unlikely that the proposed use would have adverse impacts on the surrounding areas.

18. Members had no question on the application.

Deliberation Session

19. 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 9.1.2013, 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, including safety measures to protect sensitive equipment, to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

20. The Committee also agreed to advise the applicant :

- (a) to apply to the District Lands Officer/North, Lands Department for a short term waiver to permit the proposed structure(s) on the application site;
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that he would have no in-principle objection under the Buildings Ordinance to the planning application for erection of a

transformer room in “Village Type Development” zone provided the application site abutted on a specified street not less than 4.5m wide. If otherwise, the development intensity of the site would be subject to the Building Authority’s determination under the Building (Planning) Regulation (B(P)R) 19(3). The applicant’s attention was also drawn to B(P)R 41D regarding the provision of emergency vehicular access for the development;

- (c) to note the comments from the Chief Engineer/Mainland North, Drainage Services Department that there was flooding history in the vicinity of the application site;
- (d) to note the comments from the Chief Engineer/Development(2), Water Supplies Department that:
 - (i) all spoils arising from site formation works should be contained and protected to prevent all nearby watercourses from being pollution or silting up;
 - (ii) the applicant should comply with the latest effluent discharge requirements stipulated in the ‘Water Pollution Control Ordinance’;
 - (iii) storage and discharge of toxicant, flammable or toxic solvents, petroleum oil or tar or any other toxic substances were prohibited; and
 - (iv) the application site was within the flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
- (e) to note the Director of Electrical and Mechanical Services’ comments that there was low voltage (LV) electricity supply line (i.e. overhead line) running across the application site. Besides, there was another LV underground electricity cable in the vicinity of the application site. Prior to establishing any structure within the application site, the concerned

parties (i.e. the applicant of the proposed development, his/her contractors and/or site workers, etc.) should consult CLP Power Hong Kong Limited (CLPP) and, if diversion of the LV overhead line/underground cable within/in the vicinity of the application site was deemed necessary, they should liaise with CLPP for arranging diversion as appropriate;

- (f) to observe the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation when carrying out any works in the vicinity of the electricity supply lines; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/266 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 1458 RP, 1459 RP and 1460 RP in D.D. 17,
Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/266)

Presentation and Question Sessions

21. The Committee noted that the applicant requested on 17.12.2008 for a deferment of the consideration of the application to allow time for him to submit supplementary information.

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 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/267 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 1222S.A in D.D. 17, Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/267)

Presentation and Question Sessions

23. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House - Small House);
- (c) departmental comments –The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application as the site was not within any village ‘environs’ (‘VE’). The Chief Town Planner/Urban Design and Landscape, Planning Department had some reservations on the application. He advised that the landscape in the vicinity of the site was predominately rural and mainly comprised village houses, abandoned

agricultural land and scattered tree groups. The approval of the application might set an undesirable precedent in the area, and the cumulative impact in the area was likely to have significant adverse impact on the existing rural landscape character of the area;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed Small House did not comply with the revised interim criteria for consideration of application for NTEH/Small House in the New Territories in that the footprint of the proposed house was located entirely outside both the village 'environs' ('VE') and the "Village Type Development" ("V") zone of a recognized village. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) objected to the application as the application site fell outside the 'VE'. The approval of the application would set an undesirable precedent for similar development within the "AGR" zone. The approval of such similar applications would have cumulative impact, leading to adverse impact on the existing rural landscape character of the area.

24. Members had no question on the application.

Deliberation Session

25. Members noted that the footprint of the proposed house fell outside 'VE' and the "V" zone of a recognized village. The application did not comply with interim criteria for consideration of application for NTEH/Small House in the New Territories.

26. A Member noted that Small House applications were repeatedly rejected by the Committee and requested that the District Planning Officer/Shu Tin, Tai Po and North should explain to the applicant that planning approval for a proposed Small House with footprint

located outside 'VE' boundary would not be granted.

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

- (a) the proposed New Territories Exempted House (NTEH) (Small House) did not comply with the revised interim criteria for consideration of application for NTEH/Small House in the New Territories in that the footprint of the proposed house was located entirely outside both the village 'environs' and the "Village Type Development" zone of a recognized village; and
- (b) the approval of the application would set an undesirable precedent for similar developments within the "Agriculture" zone with cumulative adverse landscape impact on the surrounding area.

28. The District Planning Officer/Shia Tin, Tai Po and North should explain to the applicant that planning approval for a proposed Small House with footprint located outside village 'environs' boundary would not be granted.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/314 Proposed Replacement of Existing Domestic Buildings by
a New Territories Exempted House
in "Village Type Development" and "Road" zones,
Lot 1497 S.B ss.2 in D.D. 76, Hung Leng, Fanling
(RNTPC Paper No. A/NE-TKL/314)

Presentation and Question Sessions

29. 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) proposed replacement of existing domestic buildings by a New Territories Exempted House (NTEH);
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, Lands D) supported the planning application for rebuilding to an NTEH. The Assistant Commissioner for Transport/New Territories, Transport Department advised that he had no in-principle objection to the application on the condition that the house development would be set back at least 5m away from the “Road” zone;
- (d) two public comments indicating ‘no comment’ were received during the statutory publication period. The District Officer/North, Home Affairs Department advised that the Indigenous Inhabitants Representatives and Residents’ Representatives of Hung Leng had no comments on the application but indicated that the two domestic structures existed a long time ago and only a small portion of the application site fell within the “Road” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The subject application was a proposed replacement of two existing domestic buildings by an NTEH. About 86.4% of the application site fell within the “V” zone where rebuilding of NTEH was always permitted while the entire footprint of the proposed NTEH fell within the “V” zone. The proposed development was not incompatible with the planning intention of “V” zone. DLO/N, LandsD confirmed that the owner had the right to rebuild a house of 65.03 m² on the “house” lot/land and he supported the planning application for rebuilding NTEH. The proposed NTEH development was not incompatible with the adjacent village setting and surrounding environment of a rural character. Moreover, the proposed development would unlikely cause any adverse environmental, traffic and drainage impacts on the surrounding areas.

30. Members had no question on the application.

Deliberation Session

31. 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 9.1.2013, 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 proposed house should be set back at least 5m away from the area designated as “Road” on the Ping Che and Ta Kwu Ling Outline Zoning Plan;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the Chief Engineer/Development(2), Water Supplies Department’s comments that the application site was located within flood pumping gathering ground; and
- (b) that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/414 Proposed Public Utility Installation (Water Tank)
in “Green Belt” zone,
Government Land adjacent to Lot 749 in D.D. 20, Tai Po
(RNTPC Paper No. A/TP/414)

Presentation and Question Sessions

33. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed public utility installation (water tank);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) During the statutory publication period, one public comment from the Kadoorie Farm & Botanic Garden Corporation was received. The public comment mainly concerned (i) whether proper measures would be taken to reduce runoff in construction phase; (ii) about the possible impact of new pipelines installations; and (iii) about the details of tree compensatory plan and protection measures to reduce disturbance to affected trees. The applicant had submitted further information on 8.12.2008 in response to the public comments. Relevant Government departments had been consulted and had no adverse comment on the public comments and the further information submitted by the applicant; 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 water tank was a utility installation required for provision of fresh water to Ta Tit Yan Village in the vicinity of the application site. It was essential for water supply to the area and no alternative sites were available. The development was small in scale and was considered not incompatible with the surrounding landscape and rural setting. The proposed development generally complied with the Town Planning Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance'. Regarding the public comments, mitigation measures to minimize the landscape, sewerage and visual impacts had been proposed by the applicant. The department consulted had no objection to/strong view against the application.

34. Member asked for the location of the natural stream 4m away from the application site, as indicated by Kadoorie Farm & Botanic Garden Corporation in its public comment. With the use of Plan A-2, Ms. Lisa L.S. Cheng pointed out the location of the natural stream near the application site and clarified that it was about 40m away from the application site instead of 4m.

Deliberation Session

35. The Chairperson said that the applicant had proposed measures to mitigate impacts on the drainage, sewerage and natural stream.

36. 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 9.1.2013, 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 submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

37. The Committee also agreed to advise the applicant :

- (a) to 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;
- (b) that Environmental Protection Department should be consulted regarding the preferred sewerage treatment/disposal method for the proposed development;
- (c) that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low-voltage overhead lines directly above the proposed location of water tank and an overhead line pole next to it. The low voltage overhead line should be diverted if the applicant wish to proceed with the development proposal;
- (d) to note the comments of the Director of Leisure and Cultural Services that:
 - (i) no disturbance should be made to the Kwun Yum Temple at Ta Tit Yan;
 - (ii) monitoring and protective measures should be implemented to protect the Kwun Yum Temple; and
 - (iii) the design of the proposed water tank should match the character of the Kwun Yum Temple.
- (e) to implement preventive measures and adopt good site practice to avoid causing disturbance to the natural stream during the construction phase of the proposed water tank; and

- (f) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department to:
- (i) appoint qualified personnel to supervise the site works, including the laying of new water mains to minimize disturbance to existing trees, whenever trees were involved;
 - (ii) make reference to the latest edition of ‘General Specification for Building Works’ and ‘BS 5837:2005 Guides for Trees in Relation to Construction’; and
 - (iii) adopt proper colour scheme (i.e. subdued colour) together with screen planting alongside the fence to improve the design scheme for the proposed water tank.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/416 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 495 S.A in D.D.21, Pun Shan Chau, Tai Po
(RNTPC Paper No. A/TP/416)

Presentation and Question Sessions

38. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

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

- (c) departmental comments – The District Lands Officer/Tai Po, Lands Department objected to the application as the site did not fall within any village ‘environs’ (‘VE’);
- (d) no public comment was received during the statutory publication period. The District Officer (Tai Po), Home Affairs Department advised that the village representatives of Pun Shan Chau had been consulted on the application. While the Residents Representative had no comment, the Indigenous Inhabitant Representative objected to the application on the grounds that the proposed Small House would affect fung shui of the area; 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. The proposed NTEH (Small House) was not in line with the planning intention of the “GB” zoning for the area. The proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that over 50% of the application site and the proposed house were located outside both the ‘VE’ and the “V” zone of a recognized village. The approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment of the area.

39. Members had no question on the application.

Deliberation Session

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

- (a) the proposed New Territories Exempted House (NTEH) (Small House) was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban development areas by

natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission for a departure from the planning intention;

- (b) the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in that over 50% of the application site and the proposed house were located outside both the village ‘environs’ and the “Village Type Development” zone of a recognized village; and
- (c) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment.

[The Chairperson thanked Ms. Stephanie P.H. Lai and Ms. Lisa L.S. Cheng, STPs/STN, for their attendance to answer Members’ enquires. Ms. Lai and Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/380 Proposed Religious Institution (Church) in “Open Space” zone,
Lots 491 (Part), 492 (Part), 495 R.P., 498 R.P., 500 (Part),
501 (Part), 502 R.P. (Part), 503, 717 R.P. in DD 374
and Adjoining Government Land, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/380)

Presentation and Question Sessions

41. The Committee noted that the applicant requested on 17.12.2008 for a deferment of the consideration of the application for two months to allow time for him to prepare supplementary information to address the departmental comments.

Deliberation Session

42. 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/TM-LTY Y/177 Renewal of Planning Approval for Temporary Open Public Vehicle Park under Application No. A/TM-LTY Y/146 for a Period of 1 Year in “Residential (Group C)” zone, Lots 1141RP(Part), 1142S.ARP, 1143RP(Part), 1147RP(Part) in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/177)

Presentation and Question Sessions

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

43. Mr. Wilson W.S. Chan, 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 open public vehicle park under Application No. A/TM-LTY Y/146 for a period of 1 year;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) During the statutory publication inspection period, one public comment was received. The commenter objected to the application on the grounds that the site was not suitable for a vehicle park as Fuk Hang Tsuen Road was too narrow to cope with the traffic generated by the development, which would result in traffic congestion during peak hours. Besides, road improvement works to the Fuk Hang Tsuen Road had yet to be commenced by the Transport Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments given in paragraph 12 of the paper. The site was the subject of an approved application (No. A/TM-LTY Y/146) for temporary open public vehicle park. The application was approved with conditions by the Committee on 19.1.2007 restricting it to the parking of private cars only. The development was generally in line with the Town Planning Board Guidelines No. 34A on in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/TM-LTY Y/146 and all the approval conditions had been complied with to the satisfaction of relevant Government departments. Regarding the public comments on the traffic issue, the Assistant Commissioner for Transport/New Territories of Transport Department had no adverse comments on the application. However, to address the traffic concern, the approval conditions to restrict the parking of private cars only and the car park layout as well as the vehicular access arrangement be maintained at all time were imposed.

44. In response to the Chairperson's question on whether the current application was restricted to the parking of private cars only, Mr Wilson W.S. Chan advised that the subject application was a renewal of the previous Planning Application No. A/TM-LTY Y/146 which was restricted to the parking of private cars only.

Deliberation Session

45. To address the Chairperson's query, Members noted that an approval condition to restrict the parking of private cars on the site would be imposed in the current application.

46. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no dismantling, repairing, cleaning of vehicles and other workshop activities were allowed on the site at any time during the planning approval period;
- (c) only private cars were allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the existing 2.5m tall solid wall at the northern and western boundary on the application site should be maintained at all time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (g) the existing trees and landscape planting on the application site should be maintained at all time during the planning approval period;
- (h) the carpark layout and vehicular access arrangement accepted by the Commissioner for Transport should be maintained at all time during the planning approval period;
- (i) the submission of fire services 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 9.4.2009;
- (j) in relation to (i) above, the provision of fire services installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2009;

- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above conditions (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned land owner;
- (b) note the District Lands Officer/Tuen Mun, Lands Department's comments to apply to his office for Short Term Waivers to regularise the structures erected on the site as well as Short Term Tenancy to legalise the occupation on Government land;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all 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 an acceptance of the unauthorized structures on site under the Buildings Ordinance. Use of containers as offices was considered as temporary buildings which were subject to control under Building (Planning) Regulations Part VII. Formal submission by an authorized person for the proposed development was required under the BO; and the Building (Planning) Regulation 41D regarding the provision of emergency vehicular access to the site;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD)'s comments that the applicant should be responsible for his own access arrangement, if any run-in/out was approved by the Transport Department, the applicant should construct it according to HyD's standard Drawing Nos. H1113 and H1114, or H5115 and H5116, to match the existing pavement condition. In addition, an interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out;
- (e) note the Director of Fire Services' comments on the requirements of formulating the fire service installations proposals as stated in Appendix IV of the Paper;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the concrete surface at 1m surrounding the tree trunk should be broken up to enhance the growing environment for the trees;
- (g) note the Antiquities and Monuments Office, Leisure and Cultural Services Department's comments that the site was next to an archaeological excavation for construction of Kong Sham Western Highway. Architectural features and artifacts of the Qing Dynasty were discovered. As the site was of archaeological potential, no excavation should be undertaken without his prior written approval; and
- (h) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

[The Chairperson thanked Mr Wilson W.S. Chan, STP/TMYL, for his attendance to answer Member's enquiries. Mr Chan left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/46 School (Tutorial School) in “Residential (Group B)” zone,
Shop A94, Portion B, G/F, Kingswood Richly Plaza,
No. 1 Tin Wu Road, Tin Shui Wai, Yuen Long
(RNTPC Paper No. A/TSW/46)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) school (tutorial school);
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) during the statutory publication period, one public comment from a group of residents in Tin Shui Estate was received. They objected to the application on the grounds that the surrounding shops, including a cybercafé, a music centre and a game card stores, create noise nuisance to the tutorial school which required a quiet environment. An illuminated signboard of the tutorial school placed along the corridor outside the application premises also blocked the public passage; 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 application was in line with the Town Planning Board Guidelines No.

No. 40 in that the tutorial school was situated on the ground floor of a commercial complex where a number of tutorial schools were also found. The use under application was considered not incompatible with the existing uses of the surrounding premises. The subject premises was located at a separate commercial complex known as Kingswood Richly Plaza separated from the residential portion of Locwood Court. The tutorial school was therefore not expected to create any disturbance to the residents of Locwood Court. The tutorial school was small in scale with 1 classroom and a total area of 20m². It was unlikely that it would cause any significant adverse impacts on the surroundings. Regarding the public comment received, as revealed by the site visit, the cybercafé and classrooms of the music centre as well as the application premises had their own doors which were closed during business. Noise nuisance affecting the tutorial school would not be significant. Besides, obstruction of corridor by the illuminated signboard of the tutorial school should be dealt with by the management office.

49. Members had no question on the application.

Deliberation Session

50. 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 9.1.2013, 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.

51. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application premises;

- (b) to note the Director of Fire Services' comment that detailed fire services requirements would be formulated upon receipt of formal submission of general building plans application;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that building plans for the proposed school should be submitted by the applicant. Application for EO s12(1) certificates (if received in future) would be processed by their Licensing Unit based on four aspects, namely, structure, means of escape, fire resisting construction and unauthorized building works affecting public safety;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application premises;
- (e) to liaise further with the Secretary for Education with regard to the school registration matter; and
- (f) to note the public comment regarding the obstruction by the illuminated signboard outside the application premises.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/315 Temporary Open Storage of Vehicles for Sale for a Period of 1 Year in "Village Type Development" zone, Lots 216 S.N RP (Part), 216 S.O RP (Part), 216 S.P (Part), 216 S.S ss.2 RP (Part), 216 S.S RP, 237 S.B ss.3 RP, 237 S.B ss.4, 237 S.B ss.5 S.A (Part), 237 S.B ss.5 RP (Part), 237 S.B ss.11 RP, 237 s.B ss.12 RP, 237 S.B ss.13 RP, 237 S.B ss.14 RP and 237 S.B RP in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/315)

Presentation and Question Sessions

52. Miss Paulina Y.L. Kwan, STP/TMYL, asked Members to note a typo error on the first sentence of paragraph 6.10 of the Paper, which should be amended to read ‘Comparing with the last application (No. A/YL-KTN/309), the current...’. She presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary open storage of vehicles for sale for a period of 1 year;

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

- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application since it had excessive BOA (Built-over Area) as permitted under the short term waivers. Small House (SH) applications on five lots had been approved by his office. SH application on lot 216 S.N RP was under processing. The temporary land use on these lots would jeopardize the above SH development. Besides, the Director of Environmental Protection (DEP) advised that one pollution complaint relating to miscellaneous aspect at the site was received in the past three years. He did not support the application as there were sensitive receivers, i.e. existing residential dwellings/structures 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 (Yuen Long); 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. The development was not in line with the planning intention of the “Village Type Development” zone on the OZP. In view of the advanced stage of SH applications, the development would jeopardize the SH developments and thus frustrate the planning intention of the “V” zone. The application

was not in line with the Town Planning Board Guidelines No. 13E in that the subject site fell within Category 4 areas where applications would normally be rejected and there were adverse departmental comments against the application. The DEP did not support the application as there were existing residential dwellings/structures located in the vicinity of the site and environmental nuisance is expected. There was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the surrounding areas. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone.

53. Members had no question on the application.

Deliberation Session

54. 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 “Village Type Development” (“V”) zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by Government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development would jeopardize the approved Small House development within the site;
- (b) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that the development was not compatible with the residential dwellings in the vicinity of the site and there were adverse departmental comments against the application;
- (c) there was insufficient information in the submission to demonstrate that the development would not cause adverse environmental impact on the

surrounding areas; and

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/574 Temporary Open Storage of Goods Vehicles for Sale
for a Period of 3 Years in “Residential (Group D)” zone,
Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part)
and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111
and Adjoining Government Land, Fan Kam Road,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/574)

Presentation and Question Sessions

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

55. Miss 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) temporary open storage of goods 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, i.e. existing residential structures, located in the vicinity of the site and environmental nuisance was expected though there was no environmental

complaint received on the site. The Chief Engineer/Development (2), Water Supplies Department advised that the proposed development should avoid encroaching onto the Waterworks Reserve or the developer had to ensure that no structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments given in paragraph 12 of the paper. The development was not incompatible with the open storage yards operated nearby and on the opposite side of Fan Kam Road. In addition, there was no known development programme for this part of the “Residential (Group D)” (“R(D)”) zone where the site was located. The temporary planning permission for the applied open storage use would not frustrate the planning intention of the “R(D)” zone on the OZP. The development was generally in line with Town Planning Board Guidelines No. 13E in that the site had previously been granted with planning approvals for similar open storage uses. Regarding the DEP's concern, there was no environmental complaint received in the past four years and no local objection had been received during the statutory publication period. Besides, the site was adjacent to Fan Kam Road where direct access was provided and traffic generated from the site would not pass through major village settlement in the area. To address DEP's concern, approval conditions restricting operation hours, workshop activities and prohibiting goods vehicles (exceeding 16 tonnes) or container trailers/tractors had been recommended.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.1.2012, 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. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no goods vehicles (exceeding 16 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors, as proposed by the applicant, were allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the setting back of the western boundary of the site to avoid encroachment onto the Water Supplies Department's reserve for an existing strategic 48" diameter water main to the satisfaction of the Director of Water Supplies or of the TPB at any time during the planning approval period;
- (f) the landscape planting on the site should be maintained at all times during the planning approval period;
- (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 9.7.2009;
- (h) in relation to (g) above, the implementation of drainage proposal within

9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.10.2009;

- (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 9.7.2009;
- (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 9.10.2009;
- (k) 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;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

58. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the site;
- (b) that should the application be approved, the applicant should be reminded that the permission was given to the use under application. It did not condone any other use which currently existed on the site but not covered by the application;
- (c) to resolve any land issue relating to the development with the concerned

owners of the application site;

- (d) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL) comments that no structure was allowed to be erected without prior approval from his office. Some unauthorized structures including converted containers were erected on the site. Besides, the Government land within the site was also occupied without approval from his office. In this connection, his office reserved the right to take enforcement/control action against these irregularities. The applicant/owners should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on site. Should no STW/STT application be received/approved and the irregularities persisted on site, his office, on review of the situation, would take appropriate lease enforcement/control action against the registered owners/occupier according to the established district lease enforcement/control programme. The site was accessible by an informal track from Fan Kam Road, which run through open private land and government land without maintenance works to be carried out thereon by his office. Also, his office would not guarantee right-of-way to any proposed STW/STT even if the subsequent proposal was approved;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the size of the U-channels and the location of catchpits and drainage connection to the existing stream should be clearly indicated on the drainage plan. With reference to the steel plate U-channel

cover photo, there seems to be no opening on the steel plate cover. Openings should be provided for U-channel cover to allow surface runoff to be intercepted by the U-channels. Suitable type of U-channel cover should be proposed. The applicant was reminded that DLO/YL or relevant lot owners should be consulted as regards all proposed drainage works outside the lot boundary on the applicant's jurisdiction;

- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure which was about 40m², the applicant was advised to make reference to the requirements as stated in Appendix V of the Paper;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the site encroached upon 10m wide WSD's Waterworks Reserve for an existing strategic 48" diameter water main. Diversion of the water main should not be considered. The proposed use should set back to avoid encroaching the Waterworks Reserve or the developer had to ensure that 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 time 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. 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;
- (j) to note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited, there were low voltage overhead line and overhead pole in the vicinity of the site. The applicant and/or his contractors should observe the "Code of

Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;

- (k) to note the Director of Agriculture, Fisheries and Conservation’s comments that the applicant should avoid disturbance to the watercourse adjacent to the site, especially in terms of surface runoff; and
- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. All building works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed to coordinate all building works.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/150 Renewal of Planning Approval for Temporary Dog Kennels
under Application No. A/YL-SK/131
for a Period of 3 Years in “Conservation Area” zone,
Lots 1353 S.A, 1354 (Part) and 1355 S.A in D.D. 114,
Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/150)

Presentation and Question Sessions

59. Miss 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) renewal of planning approval for temporary dog kennels under Application No. A/YL-SK/131 for a period of 3 years;
- (c) departmental comments – concerned Government departments had no objection to the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessments given in paragraph 11 of the paper. Whilst the development was not entirely in line with the planning intention of the “Conservation Area” (“CA”) zone, it was located at the fringe of the “CA” zone and its existing rural character was not incompatible with the other rural residential and agricultural land uses to its north. The applied use would not frustrate the planning intention of the “CA” zone on the plan. There was no environmental complaint concerning the subject dog kennels at the site in the past 3 years. The Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application and had issued an Animal Trader Licence to the applicant to operate as an animal breeder on the site. As the effluent discharge from the site would be under the control of the Water Pollution Control Ordinance (WPCO) and a discharge licence under the WPCO has been granted to the subject operation, the temporary use would unlikely have significant adverse environmental impact on the surrounding areas. There had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/YL-SK/131 and the conditions of the previous approval in relation to the submission and implementation of tree preservation and drainage proposals had been complied with by the applicant.

60. A Member noted that the original planning approval was obtained in 2006 and DAFC had issued an Animal Trader Licence to operate as an animal breeder on the site in

June 2008. This Member asked about the period of the previous licence and expressed concern on whether the operator would obtain a licence to cover the entire approval period. Miss Paulina Y.L. Kwan advised that she did not have such information. To address the Member's concern, the Chairperson suggested adding an advisory clause to remind the applicant to liaise with DAFC to obtain the license, if necessary.

Deliberation Session

61. Members generally agreed to add an advisory clause to remind the applicant to obtain license from DAFC for the use under application.

62. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees on the application site should be maintained at all time during the planning approval period;
- (b) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (c) the submission of emergency vehicular access and 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 9.7.2009;
- (d) in relation to (c) above, the provision of emergency vehicular access and 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 9.10.2009;
- (e) if any of the above planning conditions (a) or (b) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (f) if any of the above planning conditions (c) or (d) 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
- (g) 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.

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

- (a) liaise with Director of Agriculture, Fisheries and Conservation to obtain the necessary licence to tie in with the period of planning permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that his office was processing an application for Short Term Waiver (STW) to regularise the structures on site. The applicant was advised to have Lot 1354 in D.D. 114 partitioned according to the application site boundary to facilitate his processing of the STW application;
- (d) note the Director of Environmental Protection's comments that the effluent from the operation should meet the requirements of the Water Pollution Control Ordinance (WPCO) (Cap. 358) prior to discharge and the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should be observed;
- (e) note the Director of Fire Services' comments on the need to provide an access road, which could allow swift and safe passage of fire appliances, as emergency vehicular access leading to the site and his requirements on formulating fire service installations proposal in Appendix III of the Paper;

- (f) 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 and should be responsible for the construction, operation and maintenance of any sub-main within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that his no objection to the application should not be construed as condoning to any unauthorised building works carried out on the site, which were subject to enforcement action under section 24 of the Buildings Ordinance, and the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance and the allied regulations. Action 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 structure, for approval under the Buildings Ordinance was required. If the site was not abutting on nor accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at the building plan submission stage; 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 was a low voltage electricity supply line (i.e. overhead line) 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 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 applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/580 Temporary Storage of Recyclable Materials (Plastic, Metal and Paper) with Cargo Handling and Forwarding Facility for a Period of 3 Years in "Open Storage (Group 1)" zone, Lots 4 (Part), 5 (Part), 6 (Part), 7 (Part), 45 (Part), 46 S.A (Part), 46 S.B (Part), 46 RP (Part), 47 (Part), 49 (Part) and 57 (Part) in D.D. 124 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/580)

Presentation and Question Sessions

64. The Committee noted that the applicant requested on 17.12.2008 for a deferment of the consideration of the application for two months to allow time for him to prepare reports and further submissions to address the concerns of various Government departments. On 22.12.2008, the applicant supplemented that consultation with traffic consultants regarding the type of goods vehicles to be used for the logistics centre and special traffic arrangements of the "Open Storage (Group 1)" zone was necessary.

Deliberation Session

65. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/588 Renewal of Planning Approval for Temporary Open Storage of Marble under Application No. A/YL-HT/472 for a Period of 2 Years in “Comprehensive Development Area” and “Village Type Development” zones, Lots 2420 RP(Part), 2422 RP(Part), 2442(Part) and 2443 RP(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/588)

Presentation and Question Sessions

66. 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 open storage of marble under Application No. A/YL-HT/472 for a period of 2 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that one waste pollution complaint against the site was received in 2008. He had no objection to the application and the applicant should be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses”;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments given in paragraph 12 of the paper. The development was in line with the Town Planning Board Guidelines No. 13E in that about 77% of the site fell within Category 1 area where favourable consideration would normally be given to application. The applied use was not incompatible with the surrounding uses. The areas surrounding the site were predominantly occupied for open storage yards. Besides, approval of the application on a temporary basis would not frustrate the planning intention of the “Comprehensive Development Area” and “Village Type Development” zones on the plan since there was not yet any programme/known intention to implement the comprehensive development and there was no Small House application within the subject “V” zone. The current application was for renewal of the previous application No. A/YL-HT/472 approved by the Committee. Approval conditions on the submission and provision of a run-in and provision of fire extinguisher had been complied with. Approval of the subject application was therefore in line with the Committee's previous decisions. Regarding the complaint on waste pollution, approval conditions on restrictions on operation hours, stacking height of materials, types of vehicles used for transportation of marble, and types of activity on-site had been recommended.

67. Members had no question on the application.

Deliberation Session

68. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 9.1.2011, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) no goods vehicle exceeding 5 tonnes, as proposed by the applicant, was allowed for the operation of the site during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing and workshop activity was allowed on the site during the planning approval period;
- (f) the existing trees on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/472 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/472 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2009;
- (i) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.7.2009;
- (j) in relation to (i) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.10.2009;
- (k) the construction of an interception channel at the entrance to prevent

run-off flowing out from the site to the nearby public roads and drains through the access point within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.10.2009;

- (l) 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 9.7.2009;
- (m) in relation to (l), 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 9.10.2009;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon 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.

69. 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) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of

Environmental Protection, in particular, the applicant should not permit any sewage, waste water or effluent containing sand, cement, silt or any other suspended or dissolved material to flow from the site onto any adjoining land or allow any waste matter or refuse to be deposited anywhere within the site or onto any adjoining land;

- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver to regularize the unauthorized porch on site; otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (d) 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; formal submission of any proposed new works, including any temporary structures, for approval under the BO was required; Authorized Person had to be appointed to coordinate all building works;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments to construct a run-in/out at the access point in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate to match with the adjacent pavement condition;
- (f) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the track leading to the site from public road should be checked with the lands authority and that the

management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and

- (g) note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/589 Proposed Temporary Open Storage of Vehicle Parts and Construction Materials for a Period of 3 Years in “Undetermined” zone, Lots 1922 RP(Part), 1923(Part), 1926(Part), 1941 S.B RP(Part), 1942 S.B RP(Part) and 1943(Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/589)

Presentation and Question Sessions

70. 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) proposed temporary open storage of vehicle parts and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that he did not support the application as there were sensitive uses in the vicinity of the access 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 (Yuen

Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the Town Planning Board Guidelines No. 13E. The open storage of vehicle parts and construction materials was not incompatible with the surrounding land uses in the subject “Undetermined” (“U”) zone which was predominantly occupied for open storage yards and workshops. As there had been no significant change in the planning circumstances since the approvals were granted, approval of the subject application was in line with the Committee’s previous decisions. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term use of the “U” zone. Regarding DEP’s concern, approval conditions on restrictions on operation hours had been recommended.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no public vehicle park was allowed on the site during the planning approval period;
- (d) the submission of drainage proposals within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2009;

- (e) in relation to (d) above, the provision 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 9.10.2009;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2009;
- (g) 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 9.7.2009;
- (h) in relation to (g), 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 9.10.2009;
- (i) 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
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

73. The Committee also agreed to advise the applicant :

- (a) that 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;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, and to apply for Short Term Waiver to regularize the unauthorized structure on site. Otherwise, his Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's comments that for provision of water supply to the proposed development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection, and should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards;
- (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 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; formal submission of any proposed new works, including any temporary structures, for approval under the BO was

required; Authorized Person had to be appointed to coordinate all building works;

- (g) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper;
- (h) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the land status of the track leading to the site from Ping Ha Road should be checked with the lands authority and that the management and maintenance responsibilities of this access road should be clarified, and the relevant lands and maintenance authorities should be consulted accordingly; and
- (i) to note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress 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)" which commenced in December 2007 for completion by end 2010. The applicant should not be entitled for any compensation thereof. As the road level of Ping Ha Road would be raised after the proposed improvement works, the applicant might be required to carry out necessary modification works at his own expense in future to tie in with the said project.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/187 Temporary Open Storage of Marble with Ancillary Workshop
for a Period of 3 Years in “Recreation” zone,
Lots 2219 RP(Part), 2227(Part) and 2230 RP in D.D. 129,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/187)

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) temporary open storage of marble with ancillary workshop for a period of 3 years;
- (c) departmental comments – The Director of Environmental Protection (DEP) advised that one environmental complaint on waste pertaining to the site was received in 2005. He did not support the application as there were sensitive uses in the vicinity of the site and the access road (Deep Bay 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 (Yuen Long); 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. The development was not in line with the planning intention of the “Recreation” Zone which was primarily for recreational developments for the use of the general public. The application did not meet the Town

Planning Board Guidelines No.13E in that no previous planning approval had been given to any temporary open storage use at the northern part of the site and there were adverse comments from Government departments concerned. There was also insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding area. In this regard, DEP did not support the application as there were sensitive uses in the vicinity of the site and along the access road (Deep Bay Road), and environmental nuisance was expected. A waste pollution complaint pertaining to the northern part of the site was received in 2005.

75. Members had no question on the application.

Deliberation Session

76. 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 “Recreation” zone which was primarily for recreational developments for the use of the general public. There was no strong justification in the submission to merit for a departure from such planning intention, even on a temporary basis; and
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there was no previous planning approval granted for the northern part of the site and there were adverse departmental comments. There was insufficient information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/170 Proposed Minor Relaxation of Building Height Restriction and Filling of Existing Ponds for Proposed House (Low-rise, Low-density Residential) Development in “Residential (Group D)” zone, Lots 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 RP, 3225 S.C RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.21 RP, 3250 S.B ss.40 (Part) and 4658 (Part) in D.D. 104, and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/170)

Presentation and Question Sessions

77. The application was submitted by a subsidiary of Henderson Land Development Co. Ltd.. Mr. Alfred Donald Yap had declared an interest in this item as he had current business dealings with Henderson Land Development Co. Ltd..

78. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., which was one of the consultants for the application. As the Paper was on the applicant’s request to defer consideration of the application, Members agreed that Mr. Yap and Dr Lau were allowed to stay in the meeting.

79. The Committee noted that the applicant requested on 23.12.2008 for a deferment of the consideration of the application to next meeting held on 23.1.2009 to allow time for relevant Government departments to address his further information submitted on 21.11.2008. The Secretary informed the Committee that the applicant had submitted a further request on 8.1.2009 asking for a further deferment of the consideration of the application to 13.3.2009 to allow time for him to address the comments raised by the relevant Government departments. A copy of the letter from the applicant was tabled at the meeting.

Deliberation Session

80. 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 13.3.2009 subject to there being no further information submitted which would require publication for public comments.

[Mr. Edmund K.H. Leung arrived to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/354 Temporary Cross-border Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Office and Services Trades) for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” zone, Lots 372 S.D RP (Part), 661 S.C RP (Part), 669 RP (Part), 674 RP (Part), 733 RP (Part) and 774 RP in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/354)

Presentation and Question Sessions

81. The Committee noted that the applicant requested on 12.12.2008 for a deferment of the consideration of the application for two months to allow time for him to clarify the land issues with Lands Department.

Deliberation Session

82. 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.M. Lam, Miss Paulina Y.L. Kwan and Mr. Anthony C.Y. Lee, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Lam, Miss Kwan and Mr. Lee left the meeting at this point.]

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

Agenda Item 25

Any Other Business

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/283-1 Extension of Time for Compliance with Planning Conditions –
Temporary Warehouse for Storage of Metalware
for a Period of 12 Months in “Residential (Group C)” zone,
Lots 1096 (Part), 1841SA, 1843SA (Part), 1843RP, 1844SA,
1845SA (Part) and 1845SB (Part) and adjoining Government Land in
D.D. 124, Hung Shui Kiu Main Street, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/283-1)

83. The Secretary reported that an application for extension of time for compliance with planning conditions (f) to (k) under Application No. A/YL-PS/283 was received on 23.12.2008. The application was approved by the Committee for temporary warehouse for storage of metalware for a period of 12 months up to 26.9.2009 subject to approval conditions. As the application for extension of time for compliance with conditions was received on 23.12.2008, there was only 3 days before the deadline for compliance with conditions (f), (h) and (j) on 26.12.2008, the application would not be processed due to insufficient time for obtaining departmental comments. In fact, the time limit for compliance with conditions (f), (h) and (j) had already expired at the time of consideration by the Committee.

84. After deliberation, the Committee agreed that the application for extension of time could not be considered as the planning approval had been revoked on 26.12.2008.

85. There being no other business, the meeting was closed at 3:40 p.m..