

TOWN PLANNING BOARD

Minutes of 388th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 23.1.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose Cheong

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

Assistant Director/New Territories, Lands Department
Mr. Simon Yu

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

Secretary

Absent with Apologies

Mr. Alfred Donald Yap

Vice-chairman

Professor David Dudgeon

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Dr. James C.W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 387th RNTPC Meeting held on 9.1.2009

[Open Meeting]

1. The draft minutes of the 387th RNTPC meeting held on 9.1.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) New Town Planning Appeal Received

Town Planning Appeal No. 1 of 2009 (1/09)

Proposed 2-storey House in “Residential (Group D)” zone

Lot No. 1030, DD 221, Kap Pin Long New Village, Sai Kung

(Application No. A/SK-PK/158)

2. The Secretary reported that an appeal against the decision of the Town Planning Board (TPB) to reject on review an application for a proposed 2-storey house in the “Residential (Group D)” (“R(D)”) zone on the approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 was received by the Appeal Board Panel (Town Planning) (Appeal Board) on 13.1.2009. The application was rejected by the TPB on 31.10.2008 for the reasons that the development was not in line with the planning intention of the “R(D)” zone and no strong justifications had been provided to merit a departure from the planning intention; the proposed relaxation of plot ratio from 0.2 to 0.36 was not minor; and the approval of the application would set an undesirable precedent for other similar applications within the “R(D)” zone.

3. The hearing date of the appeal was yet to be fixed. The Secretary would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Town Planning Appeal Statistics

4. The Secretary reported that as at 23.1.2009, a total of 21 cases were yet to be heard by the Town Planning Appeal Board. Details of the appeal statistics were as follows:

Allowed	:	23
Dismissed	:	109
Abandoned/Withdrawn/Invalid	:	130
Yet to be Heard	:	21
Decision Outstanding	:	1
<hr/>		
Total	:	284

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TKL/2 Application for Amendment to the
Approved Ping Che and Ta Kwu Ling
Outline Zoning Plan No. S/NE-TKL/12
from "Agriculture" to "Government, Institution or Community (1)",
Lots 11 S.A(Part) and S.B in D.D. 77,
Ping Che, Fanling
(RNTPC Paper No. Y/NE-TKL/2)

Presentation and Question Sessions

5. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN) and the following applicant's representatives were invited to the meeting at this point :

Mr. Ted Chan

Mr. H.F. Yau

6. The Chairperson extended a welcome and briefly explained the hearing procedures. The Chairperson then invited Mr. W.K. Hui, DPO/STN, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr. Hui presented the application and covered the following aspects as detailed in the Paper :

[Professor Edwin H.W. Chan and Dr. C.N. Ng arrived to join the meeting at this point.]

- (a) background to the application for amendment to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/12;
- (b) the proposed amendment from “Agriculture” (“AGR”) to “Government, Institution or Community(1)” (“G/IC(1)”) zone;
- (c) the justifications put forth by the applicant in support of the application as detailed in paragraph 2 of the Paper;
- (d) departmental comments as detailed in paragraph 9 of the Paper – concerned Government departments including Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) and Director of Environmental Protection (DEP) and Drainage Services Department (DSD) had no objection to the application,;
- (e) during the statutory publication period of the application, no public comment was received but one public comment was received after the inspection period. During the statutory publication periods for the two further information on the application, three comments were received. Two objected to the application (one had not stated any reason of objection, while another one had objected on traffic and environmental grounds). One public comment had stated “no comment”. Local objection was received by District Officer/North from the Ta Kwu Ling District Rural Committee (TKLDRC), Ping Yeung Sun Chuen (PYSC) and concerned villagers on similar traffic and environmental grounds as the public comments; and

(f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper:

- a rezoning request No. Z/NE-TKL/4 (for four as-built columbarium structures having 6,776 niches) was agreed by the Committee on 28.9.2007 to facilitate the expansion of religious institution at Wun Chuen Sin Kwoon (WCSK). According to the applicant, there was an increasing demand for such use. The proposed development to provide three new columbarium buildings with an addition of 6,072 niches was considered not excessive and not incompatible with the adjacent rural setting and the existing WCSK development as a whole;
- the proposed development adjoining the WCSK would be served by the existing access roads and would make use of the existing coach parking spaces of WCSK to cater for the necessary demand. While the new columbarium buildings might generate some additional traffic demand particularly during festivals, AC for T/NT, TD considered that based on the revised Traffic Impact Assessment (TIA) submitted by the applicant, the proposed development would not have significant traffic impact on the local traffic network;
- the proposed development was small in scale and would unlikely cause significant environmental, drainage and sewerage impacts on the surrounding areas. DEP considered that the proposed development would unlikely have potential to cause air and noise nuisances;
- while there was no in-principle objection to rezone the site to “G/IC(1)” to cater for the proposed columbarium use to meet the increasing demand for such use, restrictions on the scale of the development and the maximum number of niches allowed within the proposed columbarium buildings were required. Should the

application be approved, the application site, together with the WCSK expansion area (subject of the previous agreed rezoning request No. Z/NE-TKL/4), would be rezoned to “G/IC(1)” as a whole and there would be a total of 12,848 niches being allowed within the “G/IC(1)” zone. As such, a set of Notes for the whole “G/IC(1)” zone with restrictions on the total development parameters, specifying the maximum number of niches which should not exceed 12,848, was attached at Appendix V of the Paper for Members’ reference. The proposed Notes did not cater for further expansion of the columbarium use for WCSK. Any future expansion for such would require submission of a fresh s.12A application and should undergo the due plan making process under the Town Planning Ordinance; and

- while there were some local objections and public comments against the application on traffic, drainage and environmental grounds, concerned departments including TD, DSD and EPD had no objection to the application.

7. The Chairperson then invited the applicant’s representatives to elaborate on the application. Mr. Ted Chan made the following main points :

- (a) WCSK was a religious, non-profit making organization and had long been operating without Government funding. WCSK was extending its scope of service and improving on its facilities and a lot of activities had been organized to serve the public with its own means;
- (b) the proposed development would help improve the financial situation of WCSK in providing and further developing other services such as elderly home, Chinese medicine and medical services; and
- (c) though the proposed development was small in scale, WCSK would prepare and submit the detailed design of the proposal in accordance with the relevant Government requirements such as traffic, environmental and

drainage aspects at the building plan submission and lease modification stages with a view to improving the traffic and environmental conditions.

8. A Member enquired about the traffic arrangement and coach and private car parking in WCSK. This Member was concerned about the existing busy parking and the driving-in/out situation at WCSK, and the applicant's proposal to use the existing coach parking spaces in WCSK to serve the additional parking demand for the proposed development.

9. With the aid of Drawing Z-4 of the Paper, Mr. W.K. Hui explained that in the WCSK extension area (agreed to be rezoned from "AGR" to "G/IC(1)" zone under the rezoning request No. Z/NE-TKL/4), a parking area would be provided to serve the parking demand for WCSK. While within the existing WCSK area (under an existing "G/IC" zone), there was also a parking area adjoining the existing site access in the south. Notwithstanding the increased provision of parking spaces for coaches and private cars to serve WCSK, as stated in paragraph 9.1.2(c) of the Paper, TD had required the applicant to keep it informed of the occupancy of the niches so that appropriate public transport services could be arranged to cater for the additional demand during major festivals and the applicant had to seek TD's prior approval on the parking arrangement within WCSK. Other than the parking arrangement, according to the TIA submitted by the applicant, it had demonstrated that there would be no significant traffic impact on the local traffic network. As such, it would be a matter for WCSK to follow up with TD in devising appropriate measures on traffic and parking arrangements.

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

Deliberation Session

11. In response to a Member's enquiry, the Chairperson advised that should the

rezoning application be approved, the columbarium use would be included in Column 1 of the proposed “G/IC(1)” zone in which the maximum number of niches at 12,848 would be stipulated in the statutory Notes of the “G/IC(1)” zone, and planning permission by the TPB would not be required.

12. Though not objecting to the application, the same Member was concerned that, without the need for s.16 planning application, the additional traffic flow and the associated parking arrangement at WCSK could not be monitored effectively.

13. Mr. Ambrose Cheong clarified the position of TD as stated in paragraph 9.1.2 of the Paper. The TIA submitted by the applicant was considered acceptable by TD. Additional public transport services to WCSK could be arranged to cater for the additional demand during festivals. He suggested that paragraph 9.1.2(c) of the Paper should be included as an advisory clause should the application be approved.

14. In response, the Chairperson clarified that the subject application was to amend the zoning on the OZP to allow the use of columbarium at WCSK under the “G/IC(1)” zone and it was different from the s.16 planning application mechanism which would allow the imposition of planning conditions and inclusion of advisory clause. The Chairperson said that the proposed development would require land exchange / modification to allow the columbarium use and relevant clauses / conditions could be included in the lease to govern the traffic arrangements. As the peak traffic demand for columbarium use would only be on a few festival days throughout the year, which would, in any event, require special transport / traffic management by relevant Government departments, it would not be possible to derive a parking arrangement to cater for the maximum demand at the peak seasons.

15. In response to the Chairperson’s enquiry whether a requirement could be imposed in the lease to specify the request for traffic management and operation at the WCSK, Mr. Simon Yu advised that the lease would only impose conditions relating to the car parking provisions based on TD’s requirements but it was seldom to impose requirement for traffic management and operational arrangement. He opined that it was a dilemma as more parking provision would generate more traffic by private cars to the site which would worsen the traffic situation. With a restricted car parking provision for WCSK, it might help encourage the use of public transport to the site. He also drew Members’ attention to the

fact that the traffic concern on festive days was indeed a common problem faced by other columbariums. On such occasions, there would be special traffic arrangement by relevant Government departments such as the Police and TD.

16. Two Members raised concern on the parking arrangement at WCSK and commented that there was roadside parking of coaches and private cars in the area even during normal weekends. In response, Mr. Cheong referred Members to the applicant's TIA at paragraph 2.2.1, Appendix 1f of the Paper that a total of 145 car parking spaces, 30 coach parking spaces and 20 motorcycle parking spaces would be provided to serve WCSK upon its extension. TD considered the proposed parking provision acceptable.

17. While noting TD's comment, some Members still had concern on traffic and parking arrangements, particularly on festive days. The Members therefore had reservation in putting "columbarium" in Column 1 use of the proposed "G/IC(1)" zone.

18. In response to some Members' queries, Mr. Ambrose Cheong said that based on the traffic improvement measures proposed in the applicant's TIA, TD maintained its view that the proposed development was acceptable in terms of traffic flow and parking provision. On the suggestion of provision of shuttle bus from Fanling Railway Station, the applicant was required to seek TD's prior approval for such service. Considering Members' traffic concern on the application, it would be appropriate for the applicant to submit a detailed traffic management plan to demonstrate the actual traffic flow and parking arrangement within WCSK, in particular, during festive days, before the WCSK extension proposal was implemented. He suggested to put "columbarium" use under Column 2 of the proposed "G/IC(1)" zone.

19. Two Members supported the proposal of including "columbarium" use in Column 2 of the proposed "G/IC(1)" zone to require the applicant to submit detailed information to address Members' concern, in particular traffic arrangements, at the s.16 planning application stage. The Board could then impose relevant approval conditions as necessary to ensure road safety and a satisfactory traffic arrangement. Members generally considered that a prudent approach should be adopted in consideration of the application.

20. The Secretary said that if the "columbarium" use was put under Column 2,

planning application would be required and the applicant had to submit traffic arrangements at festival days for the Board's consideration and there was no need to resubmit a TIA as it had been addressed in the s.12A application.

21. After further deliberation, the Committee decided to partially agree to the application by rezoning the application site from "AGR" to "G/IC(1)" zone with "columbarium" use included as a Column 2 use of the proposed "G/IC(1)" zone. The applicant should submit detailed information on the traffic arrangements, in particular during festive days, in the s.16 planning application for consideration. The proposed "G/IC(1)" (including the part approved by the previous rezoning request No. Z/NE-TKL/4) would be subject to a maximum gross floor area of 3,099 sq.m., a maximum site coverage of 15.8%, a maximum building height of 19m above the mean formation level and a maximum number of niches not exceeding 12,848 as stated in Appendix V of the Paper.

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/DPA/NE-SC/1 Application for Amendment to the Approved Sham Chung Development Permission Area Plan No. DPA/NE-SC/3 from "Village Type Development", "Agriculture", "Green Belt" and "Conservation Area" to "Other Specified Uses" annotated "Ecological Enhancement and Eco-tourism Development", "Village Type Development", "Green Belt" and "Conservation Area", Various Lots in D.D. 190 and D.D. 203 and Adjoining Government Land, Sham Chung (RNTPC Paper No. Y/DPA/NE-SC/1)

22. The Secretary reported that the application was submitted by 2 subsidiaries of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y. K. Cheng had declared an interest in the item as they had current business dealings with SHK. The Committee noted that Mr. Yap had tendered his apology for being unable to attend the

meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Cheng could be allowed to stay at the meeting.

Presentation and Question Sessions

23. The Committee noted that on 22.12.2008, the applicant wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months as additional time was required for consultation with green groups and preparation of supplementary information to address comments raised by Government departments.

Deliberation Session

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/90 Proposed House (New Territories Exempted House - Small House)
in "Agriculture" zone,
Lot 202 RP in D.D. 52,
Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/90)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – Transport Department had reservation on the application as it would set an undesirable precedent with cumulative traffic impact;
- (d) 1 public comment stating “no comment” was received during the statutory publication period. One local objection from the village representatives (VRs) of Wa Shan Village on the ground that the land could only be developed for small house by villagers of their village was received from the District Officer/North; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House complied with the Interim Criteria for assessing planning applications for NTEH/Small House development, and there was a general shortage of land in meeting the NTEH demand in the “V” zone of the same village. The application site was close to the boundary of the “V” zone and the proposed NTEH development was not incompatible with the adjacent village setting and surrounding environment of a rural character. The Director of Agriculture, Fisheries and Conservation had no objection to the application from an agricultural development point of view. Though Transport Department had reservation on traffic ground, the application site fell entirely within the ‘Village Environs’ of Wa Shan Village. Sympathetic consideration could be given as other relevant Government departments

had no objection to the application and 2 similar applications in the same “AGR” zone had been approved. Although there was a local objection, District Lands Officer/North had advised that both Wa Shan Village and Sheung Shui Village fell within the same Sheung Shui Heung and he had no objection to the application from the land administration point of view.

26. Members had no question on the application.

Deliberation Session

27. 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 23.1.2013, 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 to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of fire fighting access, water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)’s comments that :
 - (i) the application site was located within flood pumping gathering ground associated with River Indus and River Ganges pumping stations;

- (ii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
 - (iii) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/131 Proposed Comprehensive Residential Development
with Minor Relaxation of Plot Ratio and Site Coverage Restrictions
in "Comprehensive Development Area" and "Road" zones,
Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part),
712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part),
2158 RP (Part) in D.D. 92 and adjoining Government Land,
Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/131)

Presentation and Question Sessions

29. The Committee noted that on 8.1.2009, the applicants' agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer consideration of the application for 1 month as more time was required for further consultation with relevant Government departments to respond to various issues raised by these departments in relation to the application.

Deliberation Session

30. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within one month from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was 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-LK/53 Proposed Social Welfare Facility (Drug Rehabilitation Centre)
 in "Green Belt" zone,
 Government Land in D.D. 81,
 Wo Hang, Sha Tau Kok
 (RNTPC Paper No. A/NE-LK/53)

Presentation and Question Sessions

31. The Committee noted that on 8.1.2009, the applicant wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer consideration of the

application for 2 months as more time was required for preparation of more detailed information for the public and the Board to consider.

Deliberation Session

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/392 Proposed Two Houses
(New Territories Exempted Houses - Small Houses)
in “Agriculture” zone,
Lots 81 S.D and S.E in D.D.18,
Ping Long Village, Tai Po
(RNTPC Paper No. A/NE-LT/392)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two Houses (New Territories Exempted Houses (NTEHs) - Small Houses);

- (c) departmental comments – Transport Department (TD) had reservation on the application as it would set an undesirable precedent with adverse cumulative traffic impact. Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. Director of Environmental Protection (DEP) and Water Supplies Department (WSD) did not support the application because of the risk of causing water pollution to the water gathering ground (WGG). Drainage Services Department (DSD) considered that the application site could be connected to future public sewer in its vicinity pending resolution of the land issue by the applicant;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Tai Po; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed NTEH/Small House developments complied with the assessment criteria for NTEH/Small House development in that the application sites fell entirely within the 'Village Environs' ('VE'), and there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" ("V") zone of Tai Om and Ping Long Villages. While EPD and WSD were concerned on potential pollution to the WGGs, DSD had confirmed that the proposed Small Houses could be connected to the planned sewerage system. The applicants each would also be required to submit an executed Deed of Grant of Easement, before the execution of Small House land grant regarding the connection to the planned sewerage system. Although DAFC did not favour the application from agricultural development point of view, the sites were currently abandoned fields and located entirely within the 'VE' of Tai Om Village. No local objection was received.

34. Mr. Ambrose Cheong said that TD had reservation on NTEH development that fell outside the "V" zone and that NTEH development should be confined within the "V"

zone where the necessary traffic and transport facilities were planned and provided. The Committee noted TD's comments.

Deliberation Session

35. Members considered that the application complied with the Interim Criteria for assessing planning applications for NTEH/Small House development and sympathetic consideration should be given.

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 23.1.2013, 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 landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the public sewers would be laid in the vicinity of Lot 81 RP in D.D. 18 under the “Lam Tsuen Valley Sewerage” project. The applicants could extend their sewers, at their own cost, to the nearest connection points of the planned sewerage system;
- (d) the applicants were each required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the Director of Drainage Services, Drainage Services Department (DSD)’s comments:
 - (i) as the application site was in an area where no existing public sewerage connection was available, the applicant was required to provide proper drainage facilities for the development to their satisfaction;
 - (ii) there was no existing public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the 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; and

- (iii) the scope of provision of village sewerage to Lam Tsuen Valley “V” zone area was being finalized under the project 4332DS “Lam Tsuen Valley Sewerage”, which was scheduled to start in early 2009, with the village sewerage works near the subject area be started in 2012/2013, for completion in 2016/2017 tentatively subject to the land acquisition progress. The applicants, in technical point of view, could extend their sewer passing through other private lots to the nearest connection points of the said project 4332DS by themselves. The applicant should be vigilant on the latest situation of the project works, for which the Village Representatives would be kept informed by DSD;

- (f) to note the Director of Electrical and Mechanical Services’ comments that there were 11KV high voltage overhead lines in the vicinity of the application site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. A minimum safety clearance of 2.9m should be maintained in all directions from the 11KV overhead line conductors. Prior to establishing any structure within the site, the applicants and their contractors should liaise with CLP Power Hong Kong Limited to divert the existing 11KV high voltage overhead lines from the vicinity of the proposed development; 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/393 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1067 in D.D. 8,
Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/393)

Presentation and Question Sessions

38. The Committee noted that on 30.12.2008, the applicant wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application as more time was required for preparation of supplementary information.

Deliberation Session

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/386 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 9RP in D.D. 85,
Tung Kok Wai, Fanling
(RNTPC Paper No. A/NE-LYT/386)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – while no adverse comments from concerned Government departments were received, Director of Agriculture, Fisheries and Conservation did not favour the application from agricultural point of view and Transport Department had reservation on NTEH application outside “V” zone;
- (d) 2 public comments was received during the statutory publication period with one stated “no comment” and the other objected to the application on grounds of blocking air ventilation and sunlight and the impact on some private utilities and surrounding fruit trees. Local comments were received from the District Officer/North. The concerned North District Council member supported the application while another Indigenous Inhabitants Representative of Lung Yeuk Tau objected to the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed Small House development complied with the interim criteria for assessing planning application for NTEH/Small House development in that sympathetic consideration might be given as it fell entirely within the 'Village Environs' of a recognized village and there was a general shortage of land in meeting the Small House demand in the "V" zone. The proposed Small House development was generally compatible with the surrounding land uses which were rural in nature and the application site was in close proximity to the village proper of Lung Yeuk Tau. Though there were local objection and reservations on transport and agricultural grounds, a total of 22 similar NTEH applications were previously approved in the vicinity. Other concerned Government departments had no objection to the application.

41. In response to the Chairperson's enquiry, Mr. W.K. Hui clarified that part of the application site encroached upon an existing local access. Nonetheless, the footprint of the proposed Small House did not sit on the local access. It was not uncommon for the provision of a right of way within NTEH house sites for public access. It would be dealt with in considering the small house grant by Lands Department.

Deliberation Session

42. 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 23.1.2013, 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 design and provision of fire-fighting access and water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (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 tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments :
 - (i) to assess the need to extend his inside services to the nearest Government water mains for connection, and to 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 private lots to WSD's standards;
 - (ii) to note that water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
 - (iii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed developments, 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 obtain 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/NE-LYT/387 Temporary Open Storage of Containers,
Construction Materials and Machinery for a Period of 3 Years
in “Agriculture” zone,
Lots 780 (part) and 781(part) in D.D. 83,
Ma Liu Shui San Tsuen,
Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/387)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers, construction materials and machinery for a period of 3 years;
- (c) departmental comments – Transport Department (TD) considered that the access road leading to the application site was not suitable for use by medium/heavy goods vehicles. Environmental Protection Department (EPD) did not support the application as environmental nuisance was expected on the sensitive receivers in the vicinity of the application site;
- (d) 1 public comment stating “no comment” was received during the statutory publication period and District Officer/North received local objections from the Indigenous Inhabitants’ Representative (IIR) and Resident Representative (RR) of Fu Tei Pai Tsuen, an IIR of Kwan Tei and RR and IIR of Ma Liu Shui San Tsuen on possible traffic and drainage impacts, fire hazard and environmental grounds; 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 development did not comply with the TPB Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB Guidelines No. 13E) as no previous planning approval had been granted to the application site, and there were adverse comments from EPD and local objections. There was insufficient information to demonstrate that no adverse environmental impact on the surrounding areas would be resulted.

45. In response to a Member's enquiry about the nature of the application as stated in the first sentence in paragraph 1.1 of the Paper, Mr. W.K. Hui clarified that the application was not a renewal of planning approval previously granted for the application site. Mr. Hui referred Members to Section 4 of the Paper and explained that the current open storage use on-site under application was a suspected unauthorized development and subject of enforcement action by the Planning Authority.

Deliberation Session

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

- (a) the application did not comply with the Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' in that no previous planning approval had been granted to the application site and there were adverse departmental comments and local objections against the application;
- (b) there was insufficient information in the submission to demonstrate that the application would not have adverse environmental impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of approving such similar

applications would result in a general degradation to the environment of the area.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/59 Temporary Golf Driving Range for a Period of 3 Years
in “Comprehensive Development Area”
and an Area Shown as “Road” zones,
Various Lots in D.D. 165 and D.D. 218
and Adjoining Government Land,
Sai Sha, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/59)

47. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y. K. Cheng had declared an interest in the item as they had current business dealings with SHK. The Committee noted that Mr. Yap had tendered his apology for being unable to attend the meeting and Mr. Cheng left the meeting for this item.

[Mr. Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary golf driving range for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned

Government departments were received;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Tai Po; 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 temporary golf driving range was not incompatible with the surrounding uses. The temporary use under application had been granted approval under application No. A/NE-SSH/33 in 2004 and all approval conditions had been complied with. There had been no significant change in the planning circumstances since the last approval. The application site was involved in two valid planning approvals (applications No. A/NE-SSH/28 and A/NE-SSH/26-1) for comprehensive residential and recreational development including Government, institution and community facilities. The two golf driving ranges currently on-site were similar to the golf course proposal in these two previous approved applications. The temporary use under application would not jeopardise the future implementation of the comprehensive residential and recreational development. District Lands Officer/Tai Po advised that the temporary use under application would cease once the land exchange for the approved comprehensive development was finalised and commenced.

49. In response to a Member's enquiry, Mr. W.K. Hui clarified that the application site had been approved for a 9-hole golf course cum a golf driving range in both applications No. A/NE-SSH/28 and A/NE-SSH/26-1. The temporary golf driving range under current application would not jeopardize the implementation of the approved 9-hole golf course cum a golf driving range proposal.

Deliberation Session

50. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (b) in relation to (a) above, the implementation of mitigation measures identified in the drainage impact assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.10.2009;
- (c) the submission of fire fighting access, water supplies 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 23.7.2009;
- (d) in relation to (c) above, the provision of fire fighting access, water supplies 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 23.10.2009; and
- (e) if any of the above planning conditions (a), (b), (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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner of the application site;
- (c) to note Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was required to review the previous approved

drainage impact assessment based on the current site condition and to implement any mitigation measures if found necessary. The applicant was required to maintain his own drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (d) to note Chief Engineer/Development(2), Water Supplies Department's comments that no development or structures would be permitted to be erected above the existing DN50mm fresh water main; and
- (e) to note Director of Leisure and Cultural Services' comments on safe management practices for the golf driving range that:
 - (i) to prevent straying golf balls from causing damage to properties or injury to nearby area and residents, the golf nets with adequate height were essential;
 - (ii) the grantee should engage registered architect and expertise in golf facilities to certify the drawings and structures of the proposed golf facilities;
 - (iii) the grantee should maintain a valid insurance policy to cover indemnity against any action resulting from damage or injury caused by golf ball;
 - (iv) the grantee should prepare a proper maintenance plan on golf nets and strictly enforce it in order to ensure that the nets could effectively stop the straying golf balls;
 - (v) the grantee should maintain a good drainage system within the site so as to prevent stagnant water in clogged surface channels that may favour mosquito-breeding; and

(vi) the grantee should require users to observe the safety rules listed below:

- to have practice and driving in the bay area only;
- to have driving on the driving mat only;
- to drive the ball towards the centre of the driving range area;
- not to stand in front of the tee line; and
- not to retrieve topped ball or dropped clubs.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/268 Proposed 2 Houses (New Territories Exempted Houses - Small Houses)
in “Green Belt” zone,
Lots 255S.A ss.1, 255S.A ss.2, 255S.G, 255S.H and 255S.I in D.D. 26,
Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/268)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 2 Houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – there was reservation from Director of Agriculture, Fisheries and Conservation (DAFC), Transport Department

(TD) and Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) on the grounds of not in line with the planning intention of the “GB” zone, the traffic implication of NTEH development outside the “V” zone and the landscape planning consideration respectively;

- (d) 2 public comments were received during the statutory publication period from the indigenous villagers of Wong Yue Tan (WYT) Village supporting the application by one of the applicants (Mr. Cheung Fong-yam) but objecting to that from the other applicant (Mr. Chan Tsz-kai) as he was not an indigenous villager of WYT Village. District Officer/Tai Po received local objection from the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of WYT Village on the same ground as the 2 public comments; 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 NTEHs (Small Houses) complied with the interim criteria for consideration of application for NTEH/Small House in the New Territories. There was a general shortage of land in meeting the Small House demand in the “V” zone of the WYT village. Similar planning applications within the same “GB” zone had been approved on similar grounds. The proposed Small Houses were not incompatible with the surrounding rural environment and were not envisaged to impose adverse impact on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Regarding DAFC’s concern, the application site was within the ‘Village Environs’ (‘VE’) part of the “GB” zone, and applications falling outside the ‘VE’ had not been approved. For CTP/UD&L, PlanD’s concern on vegetation coverage in the vicinity, the site had no trees in its vicinity. As for the local villagers’ objection, District Lands Officer/Tai Po, Lands Department had confirmed that the applicants, who were indigenous villagers of Wong Yue Tan Village and She Shan Village respectively, belonged to Tai Po “Heung”. Under the current Small House policy, the applicants were eligible for building Small

Houses within their villages or in a village within the same “Heung” provided that there was no local objection.

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

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 23.1.2013, 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 to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the applicants might need to extend their inside services to the nearest Government water mains for connection, and to resolve the land matters 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 Water Supplies Department’s standards;
- (b) the applicants should consult the Environmental Protection Department regarding the sewage treatment/disposal method for the proposed development; and

- (c) 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/675 Proposed Private Garden for Flats
in “Green Belt” zone,
Lots 2 (Part) and 671 (Part) in D.D. 181,
Pak Tin Village, Sha Tin
(RNTPC Paper No. A/ST/675)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed private garden for flats;
- (c) departmental comments – Director of Leisure and Cultural Services considered that the proposed road widening scheme associated with the proposed private garden would affect the development potential of the planned local open space (“LO”) as shown on the layout plan No. S/ST 4D/1C. Director of Agriculture, Fisheries and Conservation considered that the proposed residential development and the associated improvement of the access road were in the vicinity of natural habitats (including wooded

areas and natural stream) and the applicant should update the ecological baseline information to substantiate the ecological impact assessment for the proposed development;

- (d) 189 public comments (including 163 standard letters) were received during the statutory publication period. Of all the comments received, only the Chairman of Pak Tin Village Area 2 Mutual Aid Committee supported the proposal on ground of access improvement, 1 expressed concern on the access road while others raised objections on grounds of the site being unsuitable for high-rise development due to site constraints and problems, tree felling, damage on the green scenery and tranquil environment, causing adverse ecological, visual and environmental impacts to the residents of Mei Chung Court, access problem and adverse traffic impact. Local objections from a Sha Tin District Council member and the residents in the vicinity of the application site were received from the District Officer/Shah Tin; 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 southern portion of the application site for private garden use and the residential development fell within a designated “LO” on the Layout Plan No. L/ST 4D/1C. The proposed private garden and the residential development would jeopardize the future implementation of the “LO” for public use despite the lack of known programme. Both the “Residential (Group B)” (“R(B)”) and the “Green Belt” (“GB”) portion of the site was largely covered with dense vegetation and trees well integrated with the surrounding natural green backdrop. The proposed scheme would lead to clearance of vegetation and tree felling and there were concerns on the loss of trees and on the ecology aspect. The proposed use would result in degradation in the existing valuable landscape. Approval of the application might attract similar applications from private lots within the same “GB” zone in Pak Tin area leading to a proliferation of residential developments in the “GB” zone and further clearance of vegetation.

57. In response to the Chairperson's enquiry, Mr. W.W. Chan advised that according to the information from Lands Department in paragraph 9.1.1 of the Paper, portions of the application site in both the "GB" and "R(B)" zones had been converted to House status. However, the specific land entitlement and location were not clear. Part of the existing building was within the "GB" zone, and would be demolished and developed as a private garden to serve the residential development in the "R(B)" zone.

58. Mr. Ambrose Cheong asked whether the residential development in the "R(B)" zone could still proceed if the application (i.e. the private garden within the "GB" zone) was rejected. He was concerned that there would be no control on the provision of the access road. In response, Mr. W.K. Hui clarified that should the current application for private garden within the "GB" zone be rejected, the applicant would still need to apply for land exchange for the residential development within the "R(B)" zone and control on the provision of the access could be maintained through lease conditions.

Deliberation Session

59. The Chairperson noted that the application itself did not involve any building development within the "GB" zone. She asked whether the use of the application site which was private land for private garden in the "GB" zone contravene the planning intention of the "GB" zone in terms of containing urban sprawl.

60. Some Members considered that the proposed private garden which would result in the felling of existing mature trees. Noting that the application site was largely covered with dense and natural vegetation, Members sought further clarification on the issue of tree felling. Based on the applicant's submission, Mr. W.K. Hui clarified that the proposed access road, which was within Government land in the "R(B)" zone and did not form part of the application site, would involve the felling of 36 existing mature trees; the proposed residential development within the "R(B)" would involve the felling of 37 existing mature trees and the proposed private garden within the "GB" zone would involve the felling of 1 existing mature tree which was not valued species. With the aid of Drawing A-6 of the Paper, Mr. Hui further clarified that the proposed access road to the proposed development involved the widening of an existing local access to a 4.5m to 6m wide road carriageway (with a 1.6m wide footpath on its northern side) mainly within the "R(B)" zone. This access

road would then become a 4.5m wide Emergency Vehicle Access (EVA) in the “GB” zone. The EVA would involve the upgrading of the existing local access in the “GB” zone. As such, the proposed private garden, though developed on private land, had involved additional Government land in the “GB” zone to provide an access road to serve the proposed development. It would require felling of existing mature trees in the “GB” zone both inside and outside the application site. Members considered that such situation was not acceptable from the tree preservation point of view.

61. Members generally considered that there was no strong ground to support the application.

62. Members then reviewed the reasons of rejection of the application and agreed to amend the reasons suggested in the Paper.

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

- (a) the application site was largely covered with dense and natural vegetation. The proposed private garden and the proposed access road would lead to clearance of the vegetation and tree felling both inside and outside the application site which would have adverse impacts on the ecological and landscape value of the “GB” zone. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse impacts on nature conservation and the existing valuable landscape; and
- (b) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative effect of approving such proposals would encourage proliferation of residential developments in the “GB” zone.

Agenda Item 15

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/554-3 Comprehensive Residential Development
with Retail Shops and Kindergarten
in “Comprehensive Development Area (1)” zone,
Ma On Shan Line Che Kung Temple Station Site,
Sha Tin
(RNTPC Paper No. A/ST/554-3)

64. The Secretary reported that the subject application was submitted by the Kowloon-Canton Railway Corporation represented by the MTR Corporation Ltd. The Committee noted that the Secretary for Transport and Housing was the non-executive Director of the MTR Corporation Ltd. Mr. Ambrose Cheong, who was the representative from Transport Department, had declared an interest in this item. Mr. Cheong was invited to leave the meeting temporarily during the discussion and determination on this item.

[Mr. Ambrose Cheong left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the comprehensive residential development with retail shops and kindergarten – proposed amendments to approved planning application No. A/ST/554;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) District Officer/Shan Tin received local objection from a District Councillor,

a village representative of Sha Tin Tau and Lee Uk Village, and the key office-bearers of the four Mutual Aid Committee of Chun Shek Estate on the application, mainly on grounds of wall effect and ruining the scenery of Shing Mun River. They suggested to build a footbridge linking Chun Shek Estate and Che Kung Temple Station to facilitate commuters; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 9 of the Paper. The proposed amendments had been mostly approved in the previous approved application No. A/ST/554-2. All the proposed amendments in the current application were considered minor in nature. There was no change to the overall GFA. The building height had been slightly reduced from 38-40 storeys to 36-38 storeys. The building gaps between towers had been widened from 3m to 5m. It had not significantly affected the overall layout of the development. Notwithstanding there were local concerns on wall effect and adverse visual impact, Chief Town Planner/Urban Design & Landscape, Planning Department and Chief Architect/Advisory & Statutory Compliance, Architectural Services Department had no objection to the proposal. Regarding the suggestion of providing a footbridge linking Chun Shek Estate and the Che Kung Temple Station, the Assistant Commissioner for Transport/New Territories, Transport Department advised that the proposed footbridge would solely serve the Che Kung Temple Station. He had no objection to the proposal if it was funded, constructed and maintained by the developer.

66. In response to a Member's enquiry on the footbridge issue, Mr. W.K. Hui advised that the suggestion had been referred to the applicant for consideration and no reply was yet received from the applicant. Mr. Hui advised that the suggestion on footbridge connection would require further discussion on the technical details if it was agreed by the applicant for implementation.

Deliberation Session

67. After further deliberation, the Committee decided to approve the Master Layout

Plan (MLP) and the application, under sections 4A and 16 of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 31.5.2010, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised MLP to take into account the approval conditions as stated in paragraphs (b), (c) and (e) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Landscape Master Plan and implementation of the approved Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of vehicular access, pedestrian circulation system, bicycle parking, car parking, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of pedestrian and cycle track connections from the application site to the nearby river-side promenade to the satisfaction of the Commissioner for Transport or of the TPB; and
- (e) the submission and implementation of a revised development programme indicating the timing and phasing of the development to the satisfaction of the Director of Planning or of the TPB.

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

- (a) that the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;

- (b) to consult the Director of Buildings on the compliance of the proposed development with the Buildings Ordinance;
- (c) to consult the Director of Drainage Services on the appropriateness of the drainage culvert alignment and the required clearance from its sides;
- (d) to consult the Secretary for Education on the location and access for the proposed kindergarten;
- (e) to consult the Director of Environmental Protection on the required provision of environmental mitigation measures to tie in with the population intake of the application site and on the required procedures in the handling of construction waste discharged during the construction stage; and
- (f) in consultation with the Sha Tin District Office, to meet with the Sha Tin District Council to explain the MLP.

[Mr. Ambrose Cheong returned to join the meeting at this point.]

69. The Chairperson said that the application under Agenda Item 16 was submitted before the Town Planning (Amendment) Ordinance came into effect and would be considered under closed meeting.

Agenda Item 16

[Closed Meeting]

Tuen Mun and Yuen Long District

[Ms. S.H. Lam, 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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/376 Proposed Comprehensive Residential Development
(with Minor Relaxation of the Site Coverage Restrictions
for the Proposed Podium to a Site Coverage of below 40% and
Minor Relaxation of Building Height Restrictions
to 10 Storeys above a Landscaped Recreational
and Carpark Podium with E/M and other Ancillary Facilities)
in “Comprehensive Development Area” zone,
Various Lots in DD 374 and 375 and adjoining Government Land,
So Kwun Wat, Area 56, Tuen Mun
(RNTPC Paper No. A/TM/376)

75. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y. K. Cheng had declared an interest in the item as they had current business dealings with SHK. The Committee noted that Mr. Yap had tendered his apology for being unable to attend the meeting. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Cheng could be allowed to stay at the meeting.

Presentation and Question Sessions

76. The Committee noted that on 6.1.2009, the applicant wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months so as to allow time to prepare supplementary information to address the departmental comments on urban design and landscape issues.

Deliberation Session

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/170 Temporary Office with Ancillary Car Park
for Private Cars and Light Goods Vehicles for a Period of 3 Years
in “Residential (Group C)” zone,
Lots 1132 (Part), 1133 (Part), 1134 and 1135 s.B in DD 130,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/170)

Presentation and Question Sessions

78. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary office with ancillary car park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;

- (d) 8 public comments objecting to the application were received during the two statutory publication periods from the Tuen Mun Rural Committee, villager representatives of Fuk Hang Tsuen and Lam Tei Tsuen, the Incorporated Owners of Botania Villa and individuals on grounds of incompatibility with the planning intention of the “Residential (Group C)” (“R(C)”) zone, causing environmental nuisance and air ventilation problem to the nearby residential dwellings, aggregating the existing traffic problem around Fuk Hang Tsuen Road and Castle Peak Road, causing traffic confusion, overstraining infrastructure and environmental nuisance. No local objection was received from the District Officer/Tuen Mun; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The 2 storeys office and the total plot ratio of about 0.35 under application were not considered excessive, and the non-intrusive nature of the operation was unlikely to create adverse impacts on the surrounding areas. The development was considered not incompatible with the surroundings and the land uses intended under the “R(C)” zone. Since there was no sign of development for the planned uses, the proposed temporary use for 3 years would not defeat the long-term planning intention of the subject “R(C)” zone and could be tolerated. Notwithstanding the public comments on environmental and traffic grounds, concerned departments had no adverse comments on the application. To address potential environmental concerns, appropriate approval conditions governing the operation of the temporary office and ancillary car park and the submission and implementation of drainage, landscape and tree preservation proposals were recommended in the planning approval.

Deliberation Session

79. The Chairperson remarked that temporary office use in the application site was not objectionable, but in view of the substantial and elaborated structure involved, there could be a possibility that the use under application would stay much longer than temporary. A

Member enquired whether the existing structure had obtained approval from the Buildings Department (BD). In response, Ms. S.H. Lam referred Members to paragraph 9.1.5 of the Paper that BD had no in-principle objection to the planning application subject to the removal of unauthorized structures on the site. The Chairperson remarked that it would be a matter for BD's consideration at the building plan submission stage.

80. Noting that the office use was for a period of 3 years, Members had no objection to the application.

81. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 8:00 a.m. on Monday to Saturday, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicles of 5.5 tonnes or more, container vehicles, container trailers, 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) no car dismantling, repairing, paint-spraying or workshop activities should be undertaken within the site at any time during the planning approval period;
- (f) 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 23.7.2009;

- (g) in relation to (f) 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 23.10.2009;
- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2009;
- (j) 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 23.7.2009;
- (k) in relation to (j) 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 23.10.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e), was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above conditions (f), (g), (h), (i), (j) or (k) 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
- (n) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned land owner;
- (c) note the District Lands Officer/Tuen Mun (DLO/TM)'s comments on the need to arrange with the lot owner(s) to apply for cancellation of all the concerned Modification of tenancy and Letter of Approval and to apply to his office for Short Term Waiver (STW) for the erection of temporary structures despite the application for STW would not necessarily be successful;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the applicant should be responsible for his own access arrangement. If any run-in/out was approved by 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 Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on site, which 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 BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should

be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. Also the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;

- (f) note the Director of Fire Services's comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; in formulating the fire service installations (FSIs) proposal, the applicant should make reference to the requirements as stipulated in paragraph 4.14 'Commercial – Low Rise' of the current version of the 'Code of Practice for Minimum Fire Service Installations and Equipment', the building plans should be drawn to scale and depicted with dimensions and the location of where the proposed FSI to be installed should be clearly marked on the building plans;

- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal in that:
 - the connection details of the proposed discharge point should be given for his information and comments;
 - photographs showing the discharge point and its downstream section should be provided to demonstrate the working conditions of the drainage system were satisfactory;
 - the applicant should check and ensure that the flow from the site would not overload the existing drainage system to be connected with;
 - consent from the maintenance party of the existing drainage system for connection should be sought;
 - for works to be undertaken outside the boundary of the site, consent from DLO/TM and/or relevant affected lot owners should be sought. In addition, future maintenance responsibility of the proposed drainage facilities outside the site boundary should be sorted out prior to any construction;
 - the depths of channel sections from the proposed CP1 to CP3 and CP 11 to CP13 were too shallow; and

- a qualified engineer should be employed to prepare drainage submission to cater for the runoff generated within the subject site as well as overland flow from areas in the vicinity;
- (h) note the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department's comments that the applicant should notify the Executive Secretary (ES) of AMO two weeks prior to the commencement of any excavation/earth/ground works so as to let the ES and his officers conduct site inspection. The applicant should inform AMO in case of discovery of antiquities in the course of excavation; and
- (i) follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/173 Proposed Temporary Public Vehicle Park (Private Car)
and Open Storage of Private Car Parts for a Period of 2 Years
in "Residential (Group D)" and "Green Belt" zones,
Lots 1212, 1214, 1243S.B and 1247 RP in DD130,
Fuk Hang Tsuen Road, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/173)

Presentation and Question Sessions

83. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed temporary public vehicle park (private cars) and open storage of private car parts for a period of 2 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and the expected environmental nuisance, and both Director of Agriculture, Fisheries and Conservation (DAFC) and Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the nature conservation and landscape planning points of view;
- (d) 8 public comments objecting to the application were received during the statutory publication period from individuals, Tuen Mun Rural Committee, village representatives of Fuk Hang Tsuen and an individual who claimed to be the tenant of part of the site on grounds of adverse environmental impact, air ventilation problem, incompatibility with the planning intention of “R(D)” and “GB” zone, the impact of the application on existing tenant and their quality of life. No local objection was received from the District Officer/Tuen Mun; 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 development was not in line with the planning intention of the “R(D)” zone and the “GB” zone. The proposed development was not in line with Town Planning Board Guidelines No. 10. It was also not in line with Town Planning Board Guidelines No. 13E in that there was no previous planning approval in the same and nearby “R(D)” and “GB” zones, adverse departmental comments from DEP, DAFC and CTP/UD&L, PlanD, and local objections were received. There were no relevant technical assessments/proposals submitted to demonstrate that the proposed development would not generate adverse environmental and landscape impacts on the surrounding areas. There were no exceptional circumstances to merit approval of the application. Approval of the application would set an undesirable precedent for similar application

within “R(D)” and “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the environment.

84. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) and “Green Belt” (“GB”) zones. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development was not compatible with the surrounding areas and the residential dwellings in the vicinity;
- (c) the proposed development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that there were no exceptional circumstances to justify approval; adverse departmental comments and local objections were received; and no relevant technical assessments/proposals were submitted to demonstrate that the use would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (d) no similar applications were previously approved in the “R(D)” and “GB” zones. The approval of the application, even on a temporary basis; would set an undesirable precedent for similar application within the “R(D)” and “GB” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the surrounding area.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/59 Proposed Radar (Terminal Doppler Weather Radar Station)
in “Green Belt” zone,
A Knoll north of Tuen Mun Road near Brothers Point,
Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/59)

86. The Secretary reported that the application was submitted by Hong Kong Observatory represented by Architectural Services Department. Dr. James C. W. Lau had declared an interest in the item as he had current business dealings with CM Wong & Associates Ltd., who was a member of the consultancy team for the applicant. The Committee noted that Dr. James Lau had tendered his apology for being unable to attend the meeting.

Presentation and Question Sessions

87. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed radar (terminal doppler weather radar station);
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 13 public comments objecting to the application were received during the statutory publication period from individuals, village representative and villagers of Tai Lam Chung Tsuen and Luen On San Tsuen, residents of Wu Uk Tsuen and local residents on grounds of damage to fung shui, health hazard from the radiation emission from the proposed radar, faulty

site selection criteria, and depriving the community a site for a community plaza cum viewing tower. No local objection was received from the District Officer/Tuen Mun; and

(e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. PlanD's assessments of the application were summarized below:

- as the existing Terminal Doppler Weather Radar (TDWR) at Tai Lam Chung was approaching the end of its life span, the proposed TDWR for detection of windshear in the vicinity of the Chek Lap Kok Airport to ensure aviation safety was required by 2013. Based on a thorough site search exercise in 2006-2007, the application site was found to be the only technically viable. The proposal constituted a very exceptional case;
- the scale and intensity of the proposed TDWR were considered reasonable and it was not expected to generate significant adverse landscape impacts on the surrounding and compensatory planting and transplanting would be provided by the applicant. The technical assessments concluded that the proposed TDWR would not overstrain the infrastructure nor affect the slope stability. The assessment criteria set out under TPB-PG No. 10 were generally met and the proposed TDWR warranted favourable consideration;
- the applicant was very experienced in operating weather radars. The angle of the radar emission would be programmed in a way that the nearby residents and the passers-by would be protected from microwave radiation exposure. Both Office of Telecommunication Authority (OFTA) and Director of Health (D of Health) had no adverse comments on the proposed development; and
- on the concern of potential health hazard, the proposed development would comply with the relevant guidelines, code of practice and

standards and D of Health considered the proposed protective measures adequate to protect the residents in the vicinity. However, an advisory clause requiring the applicant to liaise with the local villagers to address their concerns including the fung shui issue was recommended. The site selection for the proposed development had undergone a thorough and comprehensive process. Regarding the suggested community plaza cum view tower, it was circulated to concerned departments and parties by DO/TM in 2001, and it was noted that no comments were received from the departments and parties concerned.

88. Members had no question on the application.

Deliberation Session

89. Members considered that the proposed development was essential to ensure aviation safety and there was no convincing evidence that the proposed facility would pose health hazards to the residents.

90. 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 23.1.2013, 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 a Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of vehicular access arrangement proposal to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the provision of water supply for fire fighting and fire service installations

for the site to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) resolve any land issues relating to the any access arrangement with the concerned land owner/parties;
- (b) liaise with the local villagers with a view to addressing their concerns on the fung shui issue and explaining to them the protective measures to be taken against health hazards;
- (c) note District Lands Officer/ Tuen Mun's comments that the applicant was required to apply to his office for a Government land allocation, and the applicant should liaise with the current user/maintenance department, i.e. Water Supplies Department (WSD) & District Officer/Tuen Mun and obtain their approval for the use of the waterworks access road during the construction and future maintenance;
- (d) note Chief Engineer/Development(2), WSD's comment that water mains in the vicinity of the site could not provide the standard fighting flow;
- (e) note Director of Fire Services' comments that detailed information of access road alignment should be provided. Expert advice from Office of Telecommunication Authority (OFTA) or further risk assessment to the hazard would be required for the proposed underground fuel tank. If its location fell within the 'vulnerable zone of ignition of flammable vapours' in accordance with BS 6656, Category 5 Dangerous Goods Licence would not be issued;
- (f) note Director of Agriculture, Fisheries and Conservation's comments that good site practice should be implemented by the applicant during construction to minimize environmental impact as much as possible;
- (g) note Director of Health's comment that the compliance with the OFTA

code should be verified by direct on-site measurement to be performed by relevant parties upon commissioning of the concerned station;

- (h) note Director-General of Telecommunications's comments that the applicant should provide further technical details for his consideration when applying for frequency assignment; and
- (i) note the Controller, Government Flying Service (GFS)'s comments that obstacle lighting at the high point of the building should be installed to enhance flight safety especially for night operations of GFS.

[The Chairperson thanked Ms. S.H. Lam, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Lam left the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/22 Temporary Fishing Ground
for a Period of 3 Years
in "Coastal Protection Area" zone,
Lots 13 (Part) and 93 (Part) in D.D. 135
and Adjoining Government Land,
Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/22)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary fishing ground for a period of 3 years;

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application mainly involved a change of use of an existing fish pond to recreational fishing ground and no pond filling or further excavation was envisaged. Director of Agriculture, Fisheries and Conservation had no objection to the application. Chief Town Planner/Urban Design & Landscape, Planning Department did not anticipate any adverse landscape impact arising from the proposed use. Approving the application on a temporary basis would not undermine the long-term planning intention of the “Coastal Protection Area” (“CPA”) zone. Since no major building works had been proposed, the development would unlikely cause significant adverse environmental and drainage impacts on the “CPA” zone. Approval conditions and advisory clauses were proposed in the planning approval to minimise any potential impacts from the operation. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action. It was recommended to restrict the operation hours from 7:00 a.m. to 9:00 p.m. (instead of 8:00 a.m. to 10:00 p.m. as proposed by the applicant) to tally with other similar approvals in the area.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 23.1.2012, 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 9:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) the submission of a landscape proposal with perimeter tree planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;
- (c) in relation to (b) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2009;
- (d) 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 23.7.2009;
- (e) in relation to (d) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2009;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note District Lands Officer/Yuen Long's comments to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on the site. As it was their policy not to grant STW to portion of a lot, the affected portions of lots should be properly carved out from the application. Should no STW/STT application be received/approved, his office would resume or take new action as appropriate according to the established district lease enforcement and land control programme;
- (d) note Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required;
- (e) note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comment that the applicant might need to extend the inside services to the nearest suitable government water mains for connection for provision of water supply to the development. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) note Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD)'s comment that the land status of the

road/path/track leading to the site should be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (g) note Director of Agriculture, Fisheries and Conservation's comments that the applicant should ensure the measure proposed for sewage treatment on-site (i.e. septic tank) was in place so that there would be no discharge of sewage from the subject site;

- (h) note Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Besides, the location of where the proposed FSI to be installed should be clearly marked on the building plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements:
 - sufficient emergency lighting should be provided throughout the entire buildings/structures in accordance with BS 5266: Part 1 and BS EN 1838;

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

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

- a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building/structure could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; and
- portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans.

Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed above, the applicant was required to provide justifications to his department for consideration. In the event of doubt, the applicant might seek advice from the New Project Division of his department; and

- (i) 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 Environmental Protection Department to minimise any possible environmental nuisances.

[The Chairperson thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members’ enquiries. Mr. Lam left the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/450 Temporary Open Storage of Vehicles and Vehicle Parts
for a Period of 3 Years
in “Agriculture” zone,
Lot 466 RP in D.D. 106 and Adjoining Government Land,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/450)

Presentation and Question Sessions

96. 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) the temporary open storage of vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view and Director of Environmental Protection (DEP) did not support the application in view of the sensitive receiver in the vicinity of the site and the possible environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development on a temporary basis was not incompatible with the open storage/workshop uses operated with planning permissions in the area or tolerated under the Town Planning Ordinance due to their “existing use” status. There was no major residential settlement in the vicinity of the site. The development was generally in line with Town Planning Board Guidelines No. 13E in that it related to a previous approved application (No. A/YL-KTS/354) and the planning conditions had been complied with. Since there was no major change in planning circumstances, there was no strong justification to depart from the Committee’s previous decision. Although DAFC and DEP were not in favour of the application, the applied use had been in operation on the subject site since 2000 and DEP received

no environmental complaint in the past three years. To address DEP's concern, approval conditions restricting the operation hours and activities at the site were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and the unauthorized development would be subject to enforcement action. No local objection was received.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) no machinery was allowed to be stored at the application site at any time during the planning approval period;
- (d) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the application site at any time during the planning approval period;
- (e) the maintenance of all landscape plantings within the site at all times during the planning approval period;
- (f) the drainage facilities within the site should be maintained at all times during the planning approval period;

- (g) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2009;
- (h) in relation to (g) 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 23.10.2009;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) planning permission should have been renewed before continuing the applied use at the application site;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the application site;
- (d) note District Lands Officer/Yuen Long's comments that a recent site

inspection revealed that some unauthorized structures were erected on the application site. Besides, the Government land within the application site was also occupied without approval from his office. His office reserved the right to take enforcement/control action against these irregularities. The registered owner of the lot/occupier should also be reminded to apply to his office for Short Term Waiver (STW)/Short Term Tenancy (STT) to regularize the irregularities on site and other proposed development as appropriate. Should no STW/STT application be received/approved and the irregularities persist on the site, his office, on review of the situation, would take appropriate lease enforcement/control action against the occupier according to the established district programme;

- (e) adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) note Chief Highway Engineer/New Territories West, Highways Department (HyD)’s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (g) note Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Besides, formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. In addition, use of containers as office and storage were considered as temporary buildings and were subject to

control under B(P)R Part VII;

- (h) note Chief Engineer/Project Management, Drainage Services Department (DSD)'s comments that no proper vehicular access road would be provided under the drainage project. The applicant should liaise with DSD on the access arrangement of the site;

- (i) note Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Besides, the location of where the proposed FSI to be installed should be clearly marked on the building plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements:
 - sufficient emergency lighting should be provided throughout the entire buildings/structures in accordance with BS 5266: Part 1 and BS EN 1838;

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

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

 - a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building/structure could be reached by a length of

not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

- portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- for any roofed structure with aggregate floor area exceeding 230m², sprinkler system should be provided to the entire building/structure in accordance with BS EN 12845:2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans.

Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration; and

- (j) note Director of Electrical and Mechanical Services' comments that there were low voltage (LV) electricity supply lines (i.e. overhead lines) running across and in the vicinity of the site based on the information provided by CLP Power Hong Kong Limited (CLPP). Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the LV overhead lines from the vicinity of the proposed structure. Besides, the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the concerned parties prior to and in the course of any works in the vicinity of the electricity supply lines.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/451 Temporary Office and Warehouse
for a Period of 3 Years
in “Residential (Group D)” zone,
Lot 1319 (Part) in D.D. 106,
Kong Ha Wai, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/451)

Presentation and Question Sessions

100. 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) the temporary office and warehouse for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive receivers in the vicinity and the expected environmental nuisance;
- (d) 1 public comment objecting to the application was received during the statutory publication period from a local villager on the grounds that the heavy traffic using the narrow road would threaten the life of the villagers. No local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The development was small in scale and was not incompatible with the surrounding areas. Given that the applied use was entirely enclosed for office use and storage of light metal and plastic parts, environmental

nuisance generated by the development was not expected to be significant. Approval of the application on a temporary basis would not frustrate the planning intention of the “R(D)” zone since there was not yet any known programme to implement the zoned use at the site. A shorter approval period of 12 months, instead of 3 years, and a shorter compliance period were recommended to closely monitor the situation as the previous approval was revoked due to non-compliance with the approval conditions. To address DEP’s and other departments’ concern, relevant approval conditions were recommended for the planning permission. Any non-compliance would result in revocation of the planning permission. As for the local objection on traffic ground, given the small scale of the development and no parking or loading/unloading facilities within the site, the traffic impact arising from the development was minimal.

101. Members had no question on the application.

Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 12 months up to 23.1.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holiday, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period;

- (d) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;
- (e) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2009;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2009;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) a shorter approval period was granted and shorter compliance period was imposed so as to monitor the situation and fulfilment of approval conditions on the site;
- (c) resolve any land issues relating to the development with the concerned owners of the site;
- (d) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (e) note District Lands Officer/Yuen Long, Lands Department's comments that the owner should apply for Short Term Waiver (STW) to regularize the irregularities on-site. Should no STW application be received/approved and irregularities persist on the site, his office, on review of the situation, would consider taking appropriate lease enforcement action against the registered owners according to the established district lease enforcement programme. In addition, the application site was accessible by an existing road from Kam Sheung Road, which ran through open private land and government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way to any proposed STW even if the subsequent proposal was approved;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should

not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Besides, formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. In addition, the requirement, on provision of emergency vehicular access to all buildings to be erected on the site under B(P)R 41D should be observed;

- (h) note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be provided. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approvals. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements:
- sufficient emergency lighting should be provided throughout the entire buildings/structures in accordance with BS5266: Part 1 and BS EN 1838;
 - sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device

initiation;

- modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building/structure could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; and
- portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans.

Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed above, he was required to provide justifications to his department for consideration; and

- (i) note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should also 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 inside services within the private lots to WSD's standards.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/576 Renewal of Planning Approval for
Temporary “Open Storage of Porcelain Products/Sanitary Utensils”
under Application No. A/YL-PH/512 for a Period of 3 Years
in “Agriculture” zone, Lots 20(Part), 21, 22(Part), 23(Part),
24(Part), 25(Part), 27 S.A (Part), 42(Part) and 43(Part) in D.D. 108
and adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/576)

Presentation and Question Sessions

104. 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) the renewal of planning approval for temporary “open storage of porcelain products/sanitary utensils” under Application No. A/YL-PH/512 for a period of 3 years;
- (c) departmental comments – District Lands Officer/Yuen Long (DLO/YL) and Director of Environmental Protection (DEP) did not support the application. DLO/YL had not received any application from the applicant to regularize the irregularities of excessive built-over area and occupation of Government land subsequent to the previous approved application No. A/YL-PH/512, and DEP was concerned about the sensitive receivers in the vicinity of the site and the expected environmental nuisance. There was no environmental complaint on the site in the past four years;
- (d) 1 public comment objecting to the application was received during the statutory publication period from an individual representing the adjoining

lot owner and other villagers on grounds of adverse noise, dust and traffic impacts, impact on pedestrian safety, smoke and pungent odours. No local objection was received from the District Officer/Yuen Long; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application site was the subject of 5 previous approvals for the same applied use since 1998. The current application was a renewal of permission (No. A/YL-PH/512) for a further period of 3 years. There was no major change in circumstances of the application. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. The development was generally in line with Town Planning Board Guidelines No. 13E. Though DLO/YL did not support the application on land administration ground, their comment could be resolved by way of lease enforcement/ control action, and an relevant advisory clause had been recommended in the planning approval. Relevant planning conditions restricting operational hours, workshop activities and maintenance of facilities on the site were also recommended. As for the local objection, it was mainly related to suspected unauthorized activities at the adjoining lots of the application site. There was no evidence that the unauthorized activities were being carried out by the applicant and consideration of the current application should be based on its individual merits.

105. Members had no question on the application.

Deliberation Session

106. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, 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 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the application site under Application No. A/YL-PH/512 should be maintained at any time during the planning approval period;
- (e) the landscape planting on the application site should be maintained at any time during the planning approval period;
- (f) 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 23.7.2009;
- (g) in relation to (f) 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 23.10.2009;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

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

- (a) to resolve any land issue relating to the development with other concerned owners of the application site;
- (b) note District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. The registered owners of the lots should be reminded again to apply for revised Short Term Waiver and Short Term Tenancy to regularize the irregularities on the site. Should no such application was received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement/control action against the registered owners and occupier according to the prevailing programme. The site was accessible by an existing road from Fan Kam Road, which ran through open Government land and private land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way;
- (c) note Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the access track leading to the site from Fan Kam Road was not maintained by HyD;
- (d) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (e) note Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. As layout plans showing the details of the proposed structures erected within the site were not provided, his office was unable to formulate detailed fire safety requirements for compliance at

the moment. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his office for consideration and approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked and stated in notes form on the layout plans;

- (f) note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that existing water mains would be affected and there were also water mains rehabilitation works – “Replacement and Rehabilitation of Water Mains Stage 2” along and within the site. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerline of the water mains should be provided to WSD. No structure should be erected over the Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

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

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

- (i) note the Director of Agriculture, Fisheries and Conservation's comments that the applicant was advised to avoid disturbance to the water-course adjacent to the site, especially in terms of surface runoff.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/409 Temporary Warehouse for Storage of Sanitary Ware and Metal Ware for a Period of 3 Years
in "Undetermined" and "Residential (Group C)" zones,
Lots 1265 (Part), 1266 (Part), 1271 (Part), 1272, 1273 (Part),
1275 (Part), 1276 (Part), 1277 S.A, 1277 RP (Part), 1279 S.B (Part)
and 1279 S.B ss.1 (Part) in D.D. 119 and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/409)

Presentation and Question Sessions

108. 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) the temporary warehouse for storage of sanitary ware and metal ware for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive receivers in the vicinity of the site and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. A major part of the site fell within the “U” zone and only a minor portion (about 1%) encroached onto the “R(C)” zone. The warehouse use at the site was not in conflict with the planning intention of the “U” zone which was intended to cater for the continuing demand for open storage use which could not be accommodated in conventional godown premises. The development was not incompatible with the surrounding areas. Since there was no known programme for permanent development on this part of the “U” zone, the applied use on a temporary basis would not frustrate the long-term use of the area. The proposed storage of sanitary ware and metal ware in enclosed warehouse structures was not expected to generate significant environmental impact on the surrounding areas. To address DEP’s concern, relevant approval conditions had been recommended for the planning approval. Owing to revocation of the previous approval for non-compliance, a shorter compliance period was proposed so as to closely monitor the situation.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years up to 23.1.2012, 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 7:00 p.m. and 9:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) no open storage, repairing, dismantling, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or tractors/tailors were allowed for the operation of the application site at any time during the planning approval period;
- (e) the provision of 2.5m high boundary fence at the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2009;
- (f) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2009;
- (g) the implementation of the accepted drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2009;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.4.2009;

- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2009;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (d) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;

- (e) note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take appropriate enforcement/control action against the erection of unauthorized structures and illegal occupation of Government land on the site. The applicant was reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on site. Should no STW/STT application be received/approved, his office on review of the situation would resume or take new action as appropriate according to the established district lease enforcement and land control programme. As the agricultural structures covered by Letter of Approval (L of A) No. MT/LM 6775 in respect of Lots 1265 and 1273 in D.D. 119 had been removed to make way for the use under application, his office would cancel the L of A in due course. Moreover, the vehicular access from Kung Um Road leading to the site runs through Government land and various private lots without particular maintenance works to be carried out thereon and the existing occupation area was found to be different from that under application;

- (f) note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (g) note Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the vehicular run-in/out to be constructed at the access point should be in accordance with HyD's Standard Drawings No. H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition. An interception channel should be constructed at the entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out. His department should not be responsible for the maintenance of any vehicular access between the site and Kung Um Road;

- (h) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department;
- (i) note Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Besides, the location of where the proposed FSI to be installed should be clearly marked on the building plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the following requirements:
- sufficient emergency lighting should be provided throughout the entire buildings/structures in accordance with BS 5266: Part 1 and BS EN 1838;
 - sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building/structure could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans;

- portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- sprinkler system should be provided to buildings with total floor area exceeding 230m² to the entire building/structure in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans.

Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

- (j) note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined

under Building (Planning) Regulation 19(3) at the building plan submission stage; and

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/412 Temporary Private Garden and Private Car Park
for a Period of 3 Years
in "Industrial" zone,
Government Land Adjoining Lot 1807 RP in D.D.121,
Fui Sha Wai, Yuen Long
(RNTPC Paper No. A/YL-TYST/412)

Presentation and Question Sessions

112. 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) the temporary private garden and private car park for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The residential development of Ki Tat Garden (Phase One) was completed in 1992 and the site had been used as private garden and parking area serving the development since then. The applied uses were considered not incompatible with the surrounding land uses. The site could serve as a buffer to reduce the direct industrial/residential interface impacts on the residents of Ki Tat Garden (Phase One) which was within the “I” zone. As the size of the site was relatively small and no structure was proposed, the applied uses would unlikely create adverse traffic, environmental and drainage impacts on the surrounding areas. Due to revocation of the previous approval for non-compliance with approval conditions, a shorter compliance period was proposed to closely monitor the situation.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the application site at any time during the planning approval period;

- (b) the application site should only be used as private car park for the residents of Ki Tat Garden (Phase One) and no lorries and container vehicles were allowed to be parked/stored on the application site at any time during the planning approval period;
- (c) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2009;
- (d) in relation to (c) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;
- (e) the implementation of the accepted drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2009;
- (f) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.4.2009;
- (g) in relation to (f) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.7.2009;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further

notice; and

- (j) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that upon further advice from the applicant, his office was prepared to resume processing of the Short Term Tenancy for regularisation of the unauthorized occupation of Government land;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out to be constructed at the access point should be in accordance with Highways Standard Drawings No. H1113 and H1114, or H5115 and H5116, whichever set was appropriate, to match with the adjacent pavement condition. An interception channel should be constructed by the applicant at the site entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point. His department should not be responsible for the maintenance of any vehicular access between the site and Ping Tong Street West;

- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by Director of Environmental Protection;
- (g) to adopt the landscape proposal as approved for compliance with the relevant approval condition pertaining to the previous Application No. A/YL-TYST/301;
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure, for approval under the Buildings Ordinance was required. If the site did not abut on a specific street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (i) note Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage (380V) underground cables within the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with CLPP and, if necessary, ask CLPP to divert the low voltage (380V) underground cables away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/413 Renewal of Planning Approval for
Temporary “Staff Canteen and Ancillary Storage of
Dry Food and Drinks” Uses for a Period of 3 Years
in “Government, Institution or Community”
and “Residential (Group B) 1” zones,
Lots 2520 RP (Part) and 2521 (Part) in D.D.124,
Hung Shun Road, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/413)

Presentation and Question Sessions

116. 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) the renewal of planning approval for temporary “staff canteen and ancillary storage of dry food and drinks” uses for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses. The site was the subject of 3 approved applications (No. A/YL-TYST/120,

191 and 305) for similar uses. The development was generally in line with the Town Planning Board Guidelines No. 34A (TPB PG-No. 34A) in that there had been no material change in planning circumstances since the granting of the previous temporary approval (No. A/YL-TYST/305); the conditions of the previous approval had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval. Although the “G/IC” zone covering part of the site was reserved for the provision of two primary schools in Tong Yan San Tsuen area, the school development programme had not yet been confirmed. Moreover, no residential development proposal had been received for the “R(B)1” portion of the site. The subject temporary use could be tolerated for the interim period. Relevant Government departments had no adverse comment on the application. To address Director of Environmental Protection’s concern on environmental impact, the previous conditions prohibiting operation of the site between 10:00 p.m. and 7:00 a.m. and on Sundays or public holidays were proposed for planning approval.

117. Members had no question on the application.

Deliberation Session

118. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed during the planning approval period;
- (c) the existing landscape planting on the application site should be maintained at all time during the planning approval period;

- (d) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (e) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (f) 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 23.7.2009;
- (g) in relation to (f) 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 23.10.2009;
- (h) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development (e.g. restaurant that was open to the public) which was not covered by the application;

- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note District Lands Officer/Yuen Long, Lands Department's comments that his office reserves the right to take appropriate action should any breach of conditions of the Short Term Waivers No. 3177 and 3178 be found, including but not limited to the excessive built-over area (BOA). The applicant should clarify if the operation on site and BOA had been reduced since the last planning application;
- (d) note Secretary for Education's comments that the applicant should at his/her own expense and at all times provide suitable access to the "Government, Institution or Community" portion of the site for the works agent of his Bureau to carry out ground investigation works;
- (e) note Chief Highway Engineer/New Territories West, Highways Department's comments that the applicant should be responsible for the access arrangement to the site;
- (f) note 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;
- (g) note Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for consideration and approval. The applicant should also note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Moreover, the staff canteen

was restricted to staff only and not open to the public. Otherwise, the proposed premises could not be a sub-standard structure and formal application for a licence from the Director of Food and Environmental Hygiene (DFEH) would be required. Additional fire safety requirements would be formulated upon the receipt of referral from the licensing authority;

- (h) note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Any proposed new works would be considered as temporary buildings subject to control under Building (Planning) Regulations (B(P)Rs) Part VII. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site was not abutting on or was not accessible from a street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under B(P)R 19(3) at the building plan submission stage; and

- (i) note Director of Food and Environmental Hygiene's comments that the applicant should obtain a food licence if food business for outsider was intended or risk to be prosecuted. For obtaining information regarding licence application, the applicant could browse the web site of his Department or approach his Restaurant Licensing Resource Centre.

[The Chairperson thanked Miss Paulina Y.L. Kwan, STP/TMYL, for her attendance to answer Members' enquiries. Miss Kwan left the meeting at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/590 Renewal of Planning Approval for
Temporary Open Storage of Containers and Logistics Yard
for a Period of 3 Years
in “Green Belt” and “Comprehensive Development Area” zones,
Lots 136(Part), 147(Part), 148(Part), 149(Part), 150(Part), 153(Part),
155(Part), 157(Part), 158(Part), 159(Part), 160, 161(Part), 162, 163, 164,
165, 166, 167(Part), 168(Part), 169(Part), 170, 171(Part), 172(Part),
173(Part), 175(Part), 176(Part), 181(Part), 257(Part), 258(Part),
259(Part), 260 S.A(Part), 260 S.B(Part) and 261(Part) in D.D.125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/590)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of containers and logistics yard for a period of 3 years;
- (c) departmental comments – Environmental Protection Department (EPD) did not support the application in view of the sensitive uses in the vicinity of the access road and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long;
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. Though largely within the “GB” zone, the application site was generally not vegetated and had been used for open storage of containers since 1999 as an extension of the adjoining open storage of containers approved under Application No. A/YL-HT/430. Areas to the east of the site in the subject “GB” zone were predominantly being used for open storages of containers. Open storage use on the site therefore was not incompatible with the surrounding land uses. A small part of the site in the north was zoned “CDA”. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone on the OZP since there was no known programme/intention to implement the zoned use on the OZP. To address EPD's concern and to mitigate any potential environmental impacts, relevant approval conditions had been recommended for the planning approval. There were 5 previously approved applications (No. A/YL-HT/103, 203, 232, 389 and 443) at the site and 2 similar application in the same “CDA” zone. Approval of the subject application was in line with the Committee's previous decisions.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, 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. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within 5m of the periphery of the

site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;

- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units, as proposed by the applicant, 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 drainage facilities implemented on the site under Application No. A/YL-HT/443 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.7.2009;
- (i) in relation to (h), the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2009;
- (j) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;
- (k) the implementation of tree preservation and landscaping proposal as submitted within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;

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

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) note District Lands Officer/Yuen Long'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; to get the right of way from other private land lots on the southeastern side of the site leading to Ping Ha Road for the vehicular access to the site; to apply for Short Term Waiver for structures erected on site; and to note that a portion of the site fell within the project limit of "Yuen Long and Kam Tin Sewerage and Sewage Disposal Stage 2A-1T Yuen Long Effluent Pipeline";

- (d) note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that the inside services to the nearest suitable government water mains for connection might need to be extended. Any land matter (such as private lots) associated with the provision of water supply should be resolved, and the applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection; and
- (f) note Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/591 Temporary Public Vehicle Park for
Container Vehicles and Private Cars for a Period of 3 Years
in "Comprehensive Development Area" zone,
Lot 3323 S.B ss.1 in D.D.129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/591)

Presentation and Question Sessions

124. Mr. Anthony C.Y. Lee, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for container vehicles and private cars for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity of the site and the expected environmental nuisance, and Chief Engineer/New Territories West, Highways Department (CE/NTW, HyD) advised that the access arrangement to the site from Ping Ha Road should be approved by Transport Department (TD);
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses. The subject "CDA" zone was predominantly occupied for warehouses, vehicle parks and open storage yards. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the "CDA" zone on the OZP since there was no known programme/intention to implement the zoned use on the OZP. Relevant approval conditions had been recommended for the planning approval to address DEP's concern and to mitigate any potential environmental impacts. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved the previous application (No. A/YL-HT/541) and similar applications (No. A/YL-HT/563, 564, 571, 573, 584 and 587) in the same "CDA" zone. Approval of the subject application was in line with the Committee's previous decision.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, 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 7:00 p.m. to 7:00 a.m. was allowed on the site at any time during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, repairing or workshop activities should be permitted on the application site during the planning approval period;
- (d) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site;
- (e) the implementation of the accepted landscape proposals as submitted within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2009;
- (f) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.4.2009;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (h) the submission of run-in proposals within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the

TPB by 23.4.2009;

- (i) in relation to (h) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.7.2009;
- (j) 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 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 23.7.2009;
- (k) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.4.2009;
- (l) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) 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.

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

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

- (b) shorter compliance period was granted in order to monitor the situation on site and the compliance of approval conditions;
- (c) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection;
- (d) note the 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 must be appointed to coordinate all building works;
- (e) note Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;
- (f) note the District Lands Officer/Yuen Long’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 Tenancy (STT) to use the adjoining Government Land. Should no STT application be received/approved but the applicant occupied the Government land, his office would take land control action as appropriate according to the established district land control programme; and
- (g) note the Chief Engineer/Land Works, Civil Engineering and Development

Department's comments that the ingress/egress route to the site would be through the TGLA site (TYL654) which was granted for use as temporary tree nursery area of contract No. CV/2006/01; the ingress/egress route to/from the site might be affected during the construction period of Contract No. CV/2006/01; and that he should not be entitled for any compensation arising from the construction; and the paved access should be kept free and uninterrupted at all times for the use of the Contractor of Contract No. CV/2006/01 and adjacent lots owners/occupiers.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/188 Renewal of Planning Approval for
Temporary Open Storage of Containers and Construction Materials
with Ancillary Visitor/Trailer Parking and Office
under Application No. A/YL-LFS/171
for a Period of 1 Year until 18.2.2010 in "Residential (Group E)" zone,
Lots 2177, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201(Part),
2225(Part), 2228 S.A(Part), 2228 S.B(Part), 2278, 2279 S.A, 2279 S.B,
2280, 2285, 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295,
2296(Part), 2302(Part), 2305(Part), 2306, 2310, 2311, 2312, 2313,
2314 S.A, 2314 RP, 2317, 2318, 2320, 2321, 2322, 2323, 2324,
2325 S.A, 2325 S.B, 2325 RP, 2326, 2327, 2328, 2334(Part),
2336 S.A(Part), 2336 S.B, 2337, 2338, 2339 S.A(Part), 2340,
2341(Part), 2342, 2343, 2344 S.A, 2344 S.B, 2344 S.C, 2348, 2349,
2350, 2351, 2352(Part), 2353, 2364, 2365(Part), 2366 S.A(Part), 2366
RP(Part), 2367, 2368, 2369, 2370, 2371, 2373 S.A, 2373 RP, 2374,
2375, 2376 S.A, 2376 S.B, 2376 S.C, 2377, 2378 RP and 3450(Part)
in D.D. 129, and Adjoining Government Land,
Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/188)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of containers and construction materials with ancillary visitor/trailer parking and office under Application No. A/YL-LFS/171 for a period of 1 year until 18.2.2010;
- (c) departmental comments – Assistant Commissioner for Transport/New Territories, Transport Department raised that the application might set an undesirable precedent which may induce cumulative adverse traffic impact on the nearby road network;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. There was no immediate development proposal for the site and the “R(E)” zone and the applied use was temporary in nature which could be tolerated in the interim. The area to its west and northwest along Lau Fau Shan Road and Deep Bay Road was predominantly occupied by vehicle parks, workshops and open storage uses (applications No. A/YL-LFS/149, 153 and 186). The development was not incompatible with the general character of the area. There had not been any pollution complaint against the site over the last 3 years. Relevant approval conditions had been recommended to address Director of Environmental Protection’s and other department’ concerns to mitigate any potential impacts and to minimize nuisance to nearby dwellings. Since granting the previous approval, there

had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had also approved a number of similar applications for open storage of containers in the vicinity of the site. Approval of the subject application was in line with the Committee's previous decisions.

129. Members had no question on the application.

Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 18.2.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 4 units, as proposed by the applicant, during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing, recycling and workshop activity was allowed on the site during the planning approval period;
- (f) the implementation of the submitted layout plan under Application No. A/YL-LFS/138 for the development;

- (g) the landscape plantings implemented under the previous approved application No. A/YL-LFS/171 and the existing vegetations on the site should be maintained at all times during the planning approval period;
- (h) the drainage facilities implemented on the site under Application No. A/YL-LFS/171 should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (j) 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 23.7.2009;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.10.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (m) if any of the above planning conditions (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (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's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and that application for Short Term Tenancy and Short Term Waiver to regularize the unauthorized occupation of Government land and the unauthorized structures on site would be required. Otherwise, his office, would take appropriate action according to the established district lease enforcement and land control programme;
- (d) note the comments of the Chief Engineer/Development(2), Water Supplies Department that existing water mains were affected and that he should bear the costs of any necessary diversion works;
- (e) note the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be provided. 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, the applicant was advised to make reference to the following requirements:
 - sufficient emergency lighting should be provided throughout the entire buildings/structures in accordance with BS 5266: Part 1 and BS EN 1838;

- sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
- fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
- a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30m of hose reel tubing. The FS water tank, FS pump room and hose reel should be clearly marked on plans; and
- portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans.

Should the applicant wish to apply for exemption from the provision of certain FSI, he was required to provide justifications to his department for consideration;

- (f) 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; if the site did not abut on a specified street having a width not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; use of containers as office and storage were considered as

temporary buildings and were subject to control under B(P)Rs;

- (g) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by Director of Environmental Protection; and
- (h) note Assistant Commissioner for Transport/New Territories, Transport Department’s comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/189 Proposed Utility Installation
for Private Project (Electricity Package Transformer)
in “Village Type Development” zone,
Lots No. 1138 and 1143(Part) in D.D. 129,
Mong Tseng Tsuen, Yuen Long
(RNTPC Paper No. A/YL-LFS/189)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package transformer);

- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. District Officer/Yuen Long received one comment from the village representatives (VRs) of Mong Tseng Wai raising objection to the application and enquired on some issues including whether the electricity supply from the application would cover Mong Tseng Wai and the impacts of the application on their village; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. As indicated in the applicant's submission, the proposed electricity package transformer was an essential facility to provide electricity supply to the newly-constructed village house developments nearby. It was generally in line with the planning intention of the "V" zone, and was not incompatible with the surrounding residential uses in the subject "V" zone. Taking into account the small scale and nature of the proposed electricity package transformer, it was not expected to cause any significant adverse impact on the surrounding environment. On the queries raised in the local objection from the VRs of Mong Tseng Wai, the applicant was a company intended to supply electricity to serve the proposed small house developments in the immediate vicinity of the transformer. As for the other local concerns, relevant Government departments had no adverse comment on the application.

133. A Member enquired if the proposed package transformer would provide electricity supply to the villagers of Mong Tseng Wai. In response, Mr. Anthony C.Y. Lee advised that the proposed electricity package transformer was to provide electricity supply to the village type houses in the vicinity of the transformer, which was located in an area both covered by the 'Village Environs' ('VE') of Mong Tseng Tsuen and the 'VE' of Mong Tseng Wai. The transformer could therefore provide electricity to the village houses of Mong Tseng Tsuen and Mong Tseng Wai.

Deliberation Session

134. 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 23.1.2013, 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 a landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of portable hand-operated approved appliances to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note District Lands Officer/Yuen Long'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; to apply for Short Term Waiver for erection of the proposed structure(s) on site; and to obtain owners' prior consent for use of the lots as access;
- (b) note Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works for approval under the Buildings Ordinance was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. Attention should also be drawn on the requirements on provision of emergency vehicular access to the building under B(P)R 41D;
- (c) note Assistant Commissioner for Transport/New Territories, Transport

Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified and the relevant lands and maintenance authorities should be consulted accordingly;

- (d) note Chief Town Planner/Urban Design and Landscape, Planning Department's comments that there were two mature trees, one was *Ficus microcarpa* in the west and another one was *Litchi chinensis* located in the east along the site boundary. Great care should be taken avoiding damage to the tree roots during the implementation of the excavation works;
- (e) note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards, and water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (f) note Director of Environmental Protection's comments that the impact of the proposed development should be minimized through appropriate building design, by means of locating the exhaust fans and louvers away from the sensitive receivers, etc.; and
- (g) note Director of Health's comments that according to the World Health Organization, guideline levels recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in "Guidelines for limiting exposure to time varying electric, magnetic and electromagnetic fields (up to 300 GHz)" provide sufficient protection to workers and the public from exposure to extremely low frequency

electromagnetic fields, such as those generated by electrical facilities. As a reassurance, it was advisable that compliance with the ICNIRP guidelines be verified by direct on-site measurements, to be performed by relevant parties, upon commissioning of the package transformer.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/187 Temporary Storage of Gas Pipes and Associated Fittings
for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive Development
to include Wetland Restoration Area” zone,
Lots 3723 S.E RP in D.D. 104
at Tai Sang Wai, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/187)

136. The Secretary reported that the application was submitted by The Hong Kong and China Gas Co. Ltd. (HKCGCL) which was an associate of Henderson Land Development Co. Ltd. (HEND). Mr. Alfred Donald Yap had declared an interest in the item as he had current business dealings with HKCGCL / HEND. Nevertheless, the applicant had requested for a deferment of consideration of the application and the Committee noted that Mr. Yap had tendered his apology for being unable to attend the meeting.

Presentation and Question Sessions

137. The Committee noted that on 5.1.2009 and 8.1.2009, the applicant wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months in order to allow sufficient time for the applicant to respond to issues raised by relevant Government departments in relation to the application.

Deliberation Session

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/223 Proposed Comprehensive Low Density Residential Development in “Comprehensive Development Area” zone,
Lots 700, 701, 702A, 702B, 718(Part), 719(Part), 720(Part), 721A, 721B, 721C, 721RP, 722A, 722B, 722C, 722RP, 723A, 723B, 723RP, 724A, 724RP, 725, 726, 727, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739RP(Part), 740(Part), 741(Part), 842RP, 845RP, 853RP, 854, 855, 952RP, 954, 956, 960RP, 961, 962, 963, 966, 967, 968RP, 972RP, 973RP, 975, 976, 977, 1019, 1020, 1021, 1022, 1023, 1024 and 4469RP in DD 104, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/223)

139. The Secretary reported that the application was submitted by 6 subsidiaries of Henderson Land Development Co. Ltd. (HEND) and the Hantec Investment Ltd.. Mr. Alfred Donald Yap had declared an interest in the item as he had current business dealings with HEND. Nevertheless, the applicant had requested for a deferment of consideration of the application and the Committee noted that Mr. Yap had tendered his apology for being unable to attend the meeting.

Presentation and Question Sessions

140. The Committee noted that on 14.1.2009, the applicant's agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 month so as to allow time for them to prepare responses to Director of Environmental Protection's comments on the odour survey and sewage holding tank.

Deliberation Session

141. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further 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 further information from the applicant. The Committee also agreed to advise the applicant that the Committee had allowed a total of 10 months since the application was deferred by the Committee on 28.3.2008 for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/230 Temporary Container Tractor/Trailer Park with Ancillary Repair Areas for a Period of 3 Years in "Open Storage" zone, Lots 2583(Part), 2584 (Part), 2585 (Part), 2615 (Part), 2616 (Part), 2617 (Part), 2618 (Part), 2619, 2620, 2621 S.A, 2621 S.B, 2626 (Part), 2627, 2628, 2629, 2630, 2632, 2633, 2634 (Part) and 2635 (Part) in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/230)

Presentation and Question Sessions

142. The Committee noted that on 14.1.2009, the applicant's agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 1 month as more time was needed to clarify the traffic issues with Transport Department.

Deliberation Session

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) requested the applicant to provide further information on the footpath proposal, and Commissioner of Police (C of P) objected to the application on traffic concern on Lok Ma Chau Road;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer/Yuen Long; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The temporary public car park could satisfy some of the local parking demand arising from the local villagers and cross-boundary travellers. The area was zoned “U” which was intended to facilitate the planning and development of the Lok Ma Chau Spur Line. Sympathetic consideration could be given for temporary use of the site, which would not frustrate the long-term use of the “U” zone. The public car park on site was not incompatible with the surrounding land uses which comprised mainly vehicle parks (including container vehicle parks) and vehicle repair workshops. Relevant approval conditions had been recommended to minimize potential environmental impacts. On C of P’s concern, the current application was basically for similar use on the same site of previous planning permissions (No. A/YL-ST/180, 240 and 323). There were other similar applications approved in the same “U” zone. There had been no significant change in the planning circumstances to warrant a departure from the Committee’s or the Board’s previous decisions.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing and vehicle repair workshop were allowed on the site at any time during the planning approval period;
- (d) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/240 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.7.2009;
- (g) the submission of compensatory planting scheme for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;

- (h) in relation to (g) above, the implementation of compensatory planting within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.10.2009;
- (i) the submission of a proper footpath proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.7.2009;
- (j) in relation to (i) above, the provision of a proper footpath within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 23.10.2009;
- (k) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 23.7.2009;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (c) note District Lands Officer/Yuen Long (DLO/YL)'s comments that no structure was allowed to be erected without prior approval from his Office. The applicant should apply to DLO/YL for Short Term Waiver and Short Term Tenancy to regularize the irregularities on site. His Office, on review of the situation, would resume or take new action as appropriate according to the established district lease enforcement programme. Encroachment onto the adjoining burial ground which caters for the interest of the indigenous villagers at large should be avoided. Further, as unauthorized structures were found therein, his Office would no doubt consider taking control actions, including prosecution of the person responsible and demolition of structure;
- (d) follow latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) note Chief Engineer/Mainland North, Drainage Services Department's comments that no public sewerage maintained by his Office was currently available for connection; and the applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his jurisdiction; the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future; and
- (f) note Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval 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 structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than

4.5m, the development intensity should be determined under Building (Planning) Regulation 19(2) during building plan submission stage.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/356 Temporary Public Vehicle Park (excluding Container Vehicle)
for a Period of 3 Years
in “Village Type Development” zone,
Lots 3060, 3061 and 3067 in D.D. 102,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/356)

Presentation and Question Sessions

148. The Committee noted that on 12.1.2009, the applicant’s agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 1 month as more time was required to clarify the land issues with the land owners.

Deliberation Session

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

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

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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/169 Renewal of Planning Approval for
Temporary ‘Private Garden’ under Application No. A/SK-HC/126
for a Period of 3 Years until 23.1.2012
in “Village Type Development” and “Road” zones,
Lots 1074 s.B (Part) and 1067 RP (Part) in D.D. 244
and Adjoining Government Land,
Ho Chung New Village, Sai Kung
(RNTPC Paper No. A/SK-HC/169)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary ‘private garden’ under Application No. A/SK-HC/126 for a period of 3 years until 23.1.2012;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) two public comment from two District Councillors expressing local villagers’ concern on the emergency vehicular access was received during the statutory publication period. The public comments, however, had no

in-principle objection to the application. No local objection was received from the District Officer/Sai Kung; 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 a renewal of the planning permission for temporary private garden previously granted under Application No. A/SK-HC/126. The private garden was for the use of the owner of the ground floor of a village house. There was no material change in the planning circumstances since the previous temporary approval of the application (No. A/SK-HC/126) was granted. Approval of the renewal application on a temporary basis for a period of 3 years would not frustrate the planning intention of the area designated as 'Road' since Transport Department and Highways Department confirmed that there was no implementation programme for the proposed road. The applicants agreed to return the site to Government for road use if required. The garden use was not incompatible with the surrounding land use. It would unlikely create any significant adverse impacts on the existing landscape, visual quality, traffic and infrastructural provisions on the surrounding area. The planning conditions of the previous application (No. A/SK-HC/126) had all been complied with.

151. Members had no question on the application.

Deliberation Session

152. Mr. Ambrose Cheong said that as TD had stated some requirements to be complied with by the applicant, it would be appropriate to incorporate such requirements as appropriate in paragraph 10.1.2 of the Paper into the approval conditions. Members agreed to this suggestion.

153. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 23.1.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of a Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the existing trees on the application site and listed on the approved Tree Survey Report should be maintained at all time during the planning approval period;
- (c) no vehicular access or parking spaces should be provided within the private garden;
- (d) if any of the above planning conditions (b) or (c) 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.

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

- (a) to note Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicants might need to extend his/her inside service to the nearest Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (b) to return the Government land within the application site upon demand by the District Lands Officer/Sai Kung without delay as required;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the application site; and
- (d) to note Assistant Commissioner for Transport/New Territories, Transport

Department (AC for T/NT, TD)'s comments that no structures or new trees should be erected or planted on land within the private garden; and the emergency access adjoining the application site should not be obstructed by the private garden.

155. The Chairperson said that the application under Agenda Item 38 was submitted before the Town Planning (Amendment) Ordinance came into effect and would be conducted under closed meeting.

Agenda Item 38

[Closed Meeting]

Agenda Item 39

Any Other Business

[Closed Meeting]

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

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