

TOWN PLANNING BOARD

Minutes of 390th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.2.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Professor David Dudgeon

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Mr. Rock C.N. Chen

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

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

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor Paul K.S. Lam

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

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

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 389th RNTPC Meeting held on 13.2.2009

[Open Meeting]

1. The draft minutes of the 389th RNTPC meeting held on 13.2.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

The Judgment of the Court of Appeal on the Town Planning Board's Appeal in respect of the Judicial Review relating to the Proposed Residential Development
at 2A-2E Seymour Road, 23-29 Castle Road and 4-6A Castle Steps, Mid-levels West

2. The Secretary reported that on 27.2.2009, the Court of Appeal dismissed the Town Planning Board's appeal against the Court of First Instance's judgment in November 2007 on the judicial review in respect of the Town Planning Appeal Board's earlier decisions to dismiss two appeals regarding the proposed residential development at the subject site. A copy of the judgment would be despatched to Members and representatives of the Department of Justice would be invited to brief Members on the case in due course.

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-KTS/2 Application for Amendment to the
Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12
from “Green Belt” to “Residential (Group C) 2”,
Lots 760 S.B (Part) and S.C (Part) in D.D. 98,
Kwu Tung South, Sheung Shui
(RNTPC Paper No. Y/NE-KTS/2)

Presentation and Question Sessions

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

Mr. Lau Yuen-wah	- Applicant
Mr. Michael Lee)
Ms. Lau Chi-yam) Applicant’s Representatives
Mr. Albert Chiu)

4. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. W.K. Hui, DPO/STN, to brief Members on the background to the application.

5. With the aid of a Powerpoint presentation, Mr. W.K. Hui presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning of the application site (site area of 990m²) from “Green Belt” (“GB”) to “Residential (Group C) 2” (“R(C)2”) on the Kwu Tung South Outline Zoning Plan (OZP) to facilitate the development

of a 3-storey house with a plot ratio of 0.4, site coverage of 20% and building height of 9.45m as well as two car parking spaces. Justifications in support of the application were detailed in paragraph 2 of the Paper;

- (b) the application site was situated at the foothill of Ki Lun Shan. It was partly fenced off and paved. To its immediate south was the hillslopes and one of the slopes within the site boundary was served with a Dangerous Hillside Order;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on the application as approval of the application would set an undesirable precedent for similar applications and the resultant cumulative adverse traffic impact could be substantial. The Director of Environmental Protection (DEP) did not support the application as rezoning the site for residential purpose would intensify the potential industrial/residential interface problem given the proximity of the site to a nearby waste material recycling operation. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the proposed development on the site, which abutted a densely wooded slope and was embraced by many large trees, would affect the intactness of the green belt;
- (d) two public comments were received during the statutory publication period. One of them supported the application and considered the proposed development compatible with the surroundings while the other indicated ‘no comment’;
- (e) the District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee (RC) supported the application as the rezoning could improve the living environment of local villagers. The concerned North District Council Member raised objection as the proposed development would have adverse environmental and visual impacts on the green belt area. The Residents’ Representative of Kwu Tung (South) had no comment on the application; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The application site was located within a green belt area and at the foothill of Ki Lun Shan which was densely vegetated. The site was an agricultural lot with no lease entitlement for house development. There was no strong justification for rezoning the site from “GB” to “R(C)2” and the current “GB” zone for the site was considered appropriate. There was insufficient information in the submission to demonstrate that the proposed development would not have adverse traffic and landscape impacts on the surrounding areas. There were about 33 ha of private agricultural land falling within the “GB” zone of the OZP. Approval of the rezoning application would set an undesirable precedent for other similar rezoning applications.

6. The Chairperson then invited the applicant to elaborate on his justifications for the application. The applicant made the following main points :

- (a) the application site had been used as a storage area for a long time before it was zoned as “GB”. The site was mostly hard paved with no trees growing thereon. The existing small trees on site were planted by himself. The site did not possess the characteristics of a “GB” zone, and such a situation had remained unchanged for many years. There were only an open storage yard and two covered structures used for storage and office purposes on the site;
- (b) the applicant had a big family of 10 children. His house situated to the north outside the application site had five bedrooms only and could not accommodate all his family members. Therefore, he intended to build a large house on the application site to improve the living standards. He emphasized that the building of house on the site would not affect any “GB” area as there were no trees thereon;
- (c) he understood that a portion of the application site would be required by the

Government for road widening to serve the nearby residential developments. It was not fair that part of his site would be resumed for road widening but he was not given the opportunity to enjoy the benefits of development. He hoped the Committee would consider both his rights and obligations; and

- (d) the rezoning allowed an opportunity to improve the environment of the site by replacing the temporary storage structures with a residential dwelling, which was supported by the RC and Kwu Tung Village. He had also carried out slope stabilisation work to the hillside which was welcomed by the local villagers.

7. A Member asked whether there was any record showing that the site was used as open storage before it was zoned “GB” and whether the applicant had submitted an objection against the “GB” zoning for the site. Mr. W.K. Hui said that Short Term Waiver had been issued by the Lands Department for covered storage use on the site. The applicant said that he had no knowledge of the zoning of the site until he planned to build a house on the site last year.

8. In reply to a Member’s question, the applicant said that some of his children were living together with him in Hong Kong and some were staying abroad. His five children and their families were living in his house which was located to the immediate north of the application site. There were only five bedrooms in the 3-storey house. He planned to build a larger house on the application site so as to improve the current crowded living condition and to have spare space to accommodate his other five children and their families who would also come back to Hong Kong in future.

9. In response to a Member’s enquiry, Mr. W.K. Hui clarified that the waste material recycling operation as shown on Plan Z-2 of the Paper opposite to the application site on the other side of Kwu Tung South Road was not a permitted use. As such, while DEP objected to the application due to industrial/residential interface problem, this was not one of the suggested reasons of rejecting the application.

10. As the applicant and his representatives had no further points to make and

Members had no further questions 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 applicant and his representatives as well as PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

11. A Member said that as the application site had already been occupied for storage use before it was zoned "GB" and such use was permitted by a Short Term Waiver issued by the Lands Department, the "GB" zoning for the site might not be appropriate. The proposed rezoning of the site for residential zone was considered compatible with the nearby residential developments and could replace the existing warehouse structures with a residential house. However, another Member pointed out that the site was an agricultural lot with no building right. Mr. Simon Yu of Lands Department said that the land status of the site was not a relevant issue for consideration of the application. The current application should be assessed on its planning merits.

12. A Member said that rezoning of the site for residential use would help phase out the existing open/covered storage uses on the site which would be an improvement to the environment. Another Member said that the rezoning might bring about planning gains by requesting the applicant to provide more green coverage on the site. On the other hand, a Member considered that, in the absence of strong planning justifications/merits, approval of the application would set undesirable precedent to other similar rezoning applications in view of the large number of agricultural lots in the same "GB" zoning. This was agreed by two other Members who considered that the applicant did not advance sufficient planning justifications in support of the application.

13. Members generally agreed that there was insufficient information in the submission to justify the rezoning of the application site from "GB" to "R(C)2", and that approval of the application would set an undesirable precedent for other similar applications. Nevertheless, noting that there were some existing and approved residential uses in the vicinity, particularly along Kwu Tung South Road, the zoning boundary of the concerned

“GB” zone, should be reviewed taking into account the site characteristics and the predominant residential uses in the surrounding areas.

14. After further deliberation, the Committee decided not to agree to the application for zoning amendment and the reasons were :

- (a) the application site was abutting a densely wooded slope toe and embraced by many large trees. The “Green Belt” (“GB”) zone was primarily intended to define the limits of development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was no strong justification for rezoning the site from “GB” to “Residential (Group C) 2” and the current “GB” zone for the site was considered appropriate;
- (b) there was insufficient information in the submission to demonstrate that the proposed residential development would not have adverse traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the rezoning application would set an undesirable precedent for other similar rezoning applications, the cumulative effect of which would result in a general degradation to the environment of the area and adverse traffic impact on the adjacent road network.

15. The Committee also agreed to advise the applicant that the Planning Department would review the zoning boundary of the concerned “GB” zone taking into account the site characteristics and the predominant residential uses in the surrounding areas.

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TK/6 Application for Amendment to the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15
from “Agriculture” and “Green Belt”
to “Other Specified Uses” annotated “Spa Resort Hotel”,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/6)

16. Dr. James Lau had declared an interest in this application as he had current business dealings with CM Wong & Associates Ltd., Hyder Consulting Ltd. and Wong & Cheng Consulting Engineers Ltd., which were members of the consultancy team for the application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

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

Mr. Kenneth To
Mr. Alvin Chan
Mr. M.Y. Wan
Ms. Kitty Wong
Mr. Frankie Cheng
Mr. Ricky Wong
Ms. Carol Choy
Ms. Siuman Y.M. Hung
Mr. Alfred W.H. Ching

18. The Chairperson extended a welcome and explained the procedures of the hearing. The Chairperson then invited Mr. W.K. Hui, DPO/STN, to brief Members on the background to the application.

19. With the aid of a Powerpoint presentation, Mr. W.K. Hui presented the application as detailed in the Paper and made the following main points :

- (a) the application was for rezoning of the application site (site area of 3.3 ha including 0.4 ha of Government land) from “Agriculture” (“AGR”) and “Green Belt” (“GB”) to “Other Specified Uses” annotated “Spa Resort Hotel” (“OU(SRH)”) on the Ting Kok Outline Zoning Plan (OZP) to facilitate the development of a spa resort hotel;
- (b) the application site was the subject of two previous applications (No. Y/NE-TK/1 and Y/NE-TK/3) submitted by the same applicant for the same proposed “OU(SRH)” zone. Application No. Y/NE-TK/1 at a plot ratio (PR) of 1.07 was rejected by the Committee on 1.12.2006 mainly for the reasons that the “AGR” and “GB” zones were considered appropriate having regard to the existing rural setting and active agricultural use of the plant nursery; interfacing issue with the remaining unacquired private lots; excessive development scale, intensity, site coverage and height; and adverse landscape impact. Application No. Y/NE-TK/3 at a PR of 0.8 was deferred by the Committee on 21.11.2008 as requested by the applicant pending the submission of additional information;
- (c) in comparison with the previous application No. Y/NE-TK/1, the current scheme had reduced the PR from 1.07 to 0.6, site coverage from 35.7% to 28% and building height from 5 storeys to 3 storeys;
- (d) the proposed spa resort hotel would provide 237 guest rooms including 20 villas. The hotel rooms were accommodated in 4 hotel blocks (3-storey) in the northern part of the site whilst the 20 villas (2-storey) were located in the south-eastern part. Entry plaza, spa facilities and commercial complex were provided in the south-western part of the site. There was a big

swimming pool in the centre of the site;

- (e) departmental comments – the departmental comments were detailed in paragraph 8 of the Paper. The Commissioner for Tourism (C for Tourism) supported the development of spa resort hotel as it would supply new hotel rooms and help broaden the range of hotel accommodations for different segments of visitors to Hong Kong. He pointed out that spa resort-type hotel was increasingly popular worldwide which could bring in a large number of high-yield and high-profile visitors to help boost Hong Kong's image as a premier tourist destination. The Director of Agriculture, Fisheries and Conservation did not support the application as the site had high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories raised concerns on the proposed junction improvement works. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had concerns on the interfacing problem with unacquired private lots within the application site as well as the landscape and tree preservation aspects. Other concerned Government departments had no objection to or no adverse comment on the application;

- (f) a total of 17 public comments were received during the statutory publication period raising objection to the application mainly on the following grounds – contravening the general planning intention of Ting Kok OZP which was to conserve the natural environment and protect it from intensive urban developments; no justification supporting the demand for spa facilities in Hong Kong; proposed development was out of context with its surroundings; nuisance caused by hotel operation to the tranquil living environment; retaining the site for agricultural use; adverse traffic, environmental, drainage, water, ecological, visual and landscape impacts, particularly to the sensitive mangrove habitat at the Ting Kok Site of Special Scientific Interest; fung shui impact; and reducing land for Small House development;

- (g) the District Officer (Tai Po) advised that the concerned District Council (DC) Member objected to the application as the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Ting Kok Village and some villagers of Lo Tse Tin Village raised objection. Two IIRs and a RR of Ting Kok Village had no objection to the application. As the development was significant in the district, Tai Po DC and Tai Po Rural Committee should be consulted; and

- (h) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. Given the existing natural landscape and scenic quality of the area, the site was considered suitable for the establishment of low-density recreational-related or resort development. In this regard, C for Tourism supported the application. As compared with the previously rejected application (No. Y/NE-TK/1), the PR of the current scheme had been significantly reduced from 1.07 to 0.6 (-44%) and the building height from 5 storeys to 3 storeys, and that a stepped height profile had been adopted. The current scheme was therefore more compatible in scale, intensity and height with nearby village type developments. The applicant proposed to retain 49 mature trees with high amenity value in the existing plant nursery. Tree planting would also be carried out within the site and on its adjoining land to integrate with the surrounding rural character and provide sun shading for the hotel buildings. As the site had been left idle for many years, the proposed development would offer an opportunity to improve the visual quality of the site. Regarding the local concerns, the proposed development would unlikely cause significant adverse traffic, environmental, drainage, sewerage, ecological, visual and landscape impacts on the area. Concerned Government departments had no adverse comments on the application. The site was entirely outside the “Village Type Development” zone and village ‘environs’ of any recognised villages. Hence, it would not affect the availability of land for Small House development. Regarding CTP/UD&L, PlanD's concerns, it was noted that the applicant had already acquired 87% of private land within the site, and had demonstrated effort in acquiring the outstanding lots. Besides, the

comprehensiveness of the scheme could be further assessed at the section 16 planning application stage as all uses within the proposed “OU(SRH)” zone required permission from the Town Planning Board (the Board). Submission of master layout plan, landscape master plan and revised impact assessments for the development proposal would also be required in considering the section 16 planning application.

20. The Chairperson then invited the applicant’s representatives to elaborate on their justifications for the application. With the aid of a Powerpoint presentation, Mr. Kenneth To made the following main points :

- (a) the proposed spa resort hotel was in line with the Government’s tourism policy objectives in terms of broadening the range of tourism product for visitors, meeting the discernible growth in demand of spa facilities in Hong Kong, and providing more quality facilities, services and entertainment to strengthen Hong Kong’s appeal as an international ‘meetings, incentive travels, conventions and exhibition’ capital;

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- (b) the Tourism Commission commissioned the Consultancy Study on the Development of Spa and Resort Facilities in Hong Kong in 2004, which had established criteria on the design and location of spa resort facilities. The application site at Ting Kok met the criteria established as it had a scenic setting with the Pat Sin Leng ridgeline as a backdrop overlooking the coastline of Plover Cove; it was easily accessible; necessary infrastructure was available; the proposed hotel would strengthen the local economy in terms of jobs and services and bring general economic benefits to Hong Kong; and the land within the site could be easily acquired and formed without undue delay and controversy; and
- (c) while the previous application (No. Y/NE-TK/1) with a PR of 1.07 was rejected by the Committee in 2006, it should be noted that the Committee had no in-principle objection to the resort-type use in the area but

considered that the applicant needed to address various outstanding issues. The current application proposed a much reduced development scheme at a PR of 0.6 and all outstanding technical issues had been addressed by the applicant.

21. With the aid of a Powerpoint presentation, Mr. Alvin Chan presented the design concept of the proposed spa resort hotel and made the following main points :

- (a) the site was generally flat with a gentle slope from the highest point of 23mPD in the north to 11mPD in the south. The design of the hotel would be similar to Northern European resort, and the layout would keep as many existing trees as possible on the site;
- (b) the overall development would be divided into four major zones, viz. hotel, villa, spa complex and commercial zones. Retail and commercial uses were proposed next to the main entrance. Hotels were located in the northern part of the site to allow uninterrupted views from the highest point whereas villas were located closer to the waterfront to prevent blocking of sea view; and
- (c) buffer zones would be provided on the northern side next to the Soka Gakkai International of Hong Kong Cultural and Recreation Centre and the eastern side next to Lo Tsz Tin Village to set back the development and reduce visual impact.

22. Mr. Kenneth To concluded the presentation with the following main points:

- (a) the proposed “OU(SRH)” zoning was to facilitate a low-rise low-density spa resort hotel development with ancillary and related facilities on the site. The applicant proposed that developments on the site was subject to a maximum PR of 0.6 in order to respect the character in the surrounding areas;
- (b) future development on the site would require planning permission from the

Board under section 16 of the Town Planning Ordinance so that the Board would have adequate control on the type, scale and design of the development; and

- (c) the applicant would agree to any reasonable amendments to the proposed zoning as suggested by the Board.

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

23. A Member was concerned about the sewerage generated by the proposed spa resort facilities due to its sensitive location in Ting Kok and the cumulative impact arising from the proposed bathing beach at Lung Mei nearby. Mr. W.K. Hui said that, according to the applicant, a sewer pipe from the proposed development would be installed to connect to the sewer along Ting Kok Road. Together with the future upgrading of the capacity of Pumping Station (PS) No. 6 near Sam Mun Tsai, there would not be any unacceptable sewerage impact arising from the proposed development. Mr. Kenneth To supplemented that the existing capacity of PS No. 6 was inadequate to serve both existing and committed developments even without the proposed development. It was therefore expected that the Government would upgrade the capacity of PS No. 6 to cope with the forecast demand. The applicant was prepared to accept an approval condition in the section 16 planning application, if approved by the Board, requiring the proposed hotel to commence operation only after the upgrading of PS No. 6. Mr. H.M. Wong of Environmental Protection Department (EPD) said that as the applicant would submit more detailed proposal and assessments at the section 16 application stage, the capacities of PS Nos. 6, 7 and 8 and the need for upgrading would be further assessed at that stage. EPD would also assess whether the development had incorporated “green design” in water and energy consumption aspects.

24. In response to a Member’s enquiry, Mr. W.K. Hui said that there was no existing spa resort hotel in Hong Kong of similar nature as that under the current application. Mr. Kenneth To added that the proposed spa resort hotel would help attract visitors to extend their stay in Hong Kong and also meet the demand of Hong Kong people for spa facilities in a resort environment.

25. A Member was concerned about the sewage discharge and traffic impacts of the

proposed development to the rural areas, particularly on the availability of land for road widening. Mr. Kenneth To said that the applicant had proposed re-circulation of greywater as a mitigation measure to reduce the peak flow to the public sewerage system. In terms of traffic impact, the traffic generation of the proposed hotel development would not be significant and would be mostly off-peak. He clarified that the two junction improvements proposed by the applicant were located near Tai Po Town Centre and Tai Po Industrial Estate respectively instead of near the application site in the rural area.

26. In response to a Member's question on the programme of land acquisition, Mr. M.Y. Wan said that the applicant had engaged local estate agents to acquire the outstanding lots from the owners. With their efforts, a total of 12 lots of about 1 735m² had been or agreed to be sold to the applicant since the submission of the previous application in 2005. Another Member asked what would be the contingency plan if the applicant could not acquire all the outstanding lots. Mr. M.Y. Wan said that it was the applicant's intention to acquire as much land as possible within the application site. The applicant would make every effort in acquiring the outstanding lots such as by paying higher commissions to the estate agents.

27. A Member noted that there was local objection to the application and asked the applicant what efforts had the applicant done to solicit local support. Mr. M.Y. Wan said that the proposed development had been presented to the Tai Po RC twice and they had friendly exchange of views at the briefings. A green buffer would be provided at the northern boundary of the site. To minimize the visual impact to the adjacent neighbour, i.e. Soka Gakkai International of Hong Kong Cultural and Recreation Centre, the applicant had also proposed village improvement works to enhance the local environment. The hotel development would provide employment opportunities to the locals during the construction and operation stages.

28. In response to a Member's enquiry, Mr. Kenneth To confirmed that the impact assessments on traffic and environmental aspects had taken into account a number of committed and planned development projects in the vicinity of the site including the 'Guan Yin' statue with a monastery building and the bathing beach at Lung Mei.

29. As the applicant's representatives had no further points to make and Members had no further questions 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 applicant's representatives and PlanD's representative for attending the meeting. They all left the meeting at this point.

Deliberation Session

30. Members were generally in support of the application as the proposed spa resort hotel was considered a compatible use in the area, the PR and building height of the current scheme had been much reduced, there would have adequate planning control on the design and layout of the future development at section 16 planning application stage, and it would provide employment opportunities.

31. After further deliberation, the Committee decided to agree to the application for rezoning the application site from "Agriculture" and "Green Belt" to "Other Specified Uses" annotated "Spa Resort Hotel" on the Ting Kok Outline Zoning Plan (OZP). An amendment to the OZP would be submitted to the Committee for consideration prior to gazetting under the provisions of the Town Planning Ordinance.

32. The Committee also agreed to advise the applicant that as the development was of a significant scale, the Tai Po District Council and the Tai Po Rural Committee should be consulted before submission of the section 16 application.

[Dr. C.N. Ng and Mr. B.W. Chan left the meeting, and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

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

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TK/3 Application for Amendment to the
Approved Ting Kok Outline Zoning Plan No. S/NE-TK/15
from “Agriculture” and “Green Belt” to
“Other Specified Uses” annotated “Spa Resort Hotel” (“OU(SRH)”)
and Proposed Addition of a New Set of Notes
for the Proposed “OU(SRH)” zone,
Various Lots in D.D. 17 and Adjoining Government Land,
Ting Kok, Tai Po
(RNTPC Paper No. Y/NE-TK/3D)

33. Dr. James Lau had declared an interest in this application as he had current business dealings with CM Wong & Associates Ltd. and Hyder Consulting Ltd., which were members of the consultancy team for the application. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

34. The Committee noted that the applicant requested on 2.2.2009 for a deferment of the consideration of the application to allow time to fine-tune the revised scheme to explore lower plot ratio in response to departmental comments on development intensity and unification of land title.

Deliberation Session

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

deferment would be granted unless under very special circumstances.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/418 Proposed Three Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Lot 339 S.B RP (Part) in D.D. 22,
 Lai Chi Shan, Tai Po
 (RNTPC Paper No. A/TP/418)

Presentation and Question Sessions

36. 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 three houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the District Lands Officer/Tai Po objected to the application as the site fell outside the village ‘environs’ (‘VE’) of the two nearby recognised villages (i.e. Lai Chi Shan and Sheung Wun Yiu) and the applicant had already obtained a Small House grant in Lai Chi Shan Village. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application since there was no information or proposed mitigation measures in the submission to demonstrate that the proposed development would not have adverse impact on the Tai Po River nearby. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application due to

insufficient information to demonstrate no adverse impact on the existing trees and landscape character. The Assistant Commissioner for Transport/New Territories had reservation on the application as approval of the application would set an undesirable precedent for similar applications in the future and the resultant cumulative adverse traffic impact could be substantial;

- (d) one public comment was received during the statutory publication period from the occupier of the site who raised objection to the application as no consent had been obtained from him on the removal of his property for the proposed development;
- (e) the District Officer (Tai Po) advised that the Resident Representatives of Pun Shan Chau and Lai Chi Shan objected to the application on the grounds that the proposed Small Houses were not in line with the planning intention of the “Green Belt” (“GB”) zone and would destroy the existing natural environment; and
- (f) 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 “GB” zone for the area. The application did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories in that both the application site and the footprint of proposed Small Houses entirely fell outside the “Village Type Development” zone and the ‘VE’ of Lai Chi Shan and Sheung Wun Yiu. DAFC and CTP/UD&L, PlanD had reservation on the application from nature conservation and landscape points of view. Approval of the application would set an undesirable precedent for similar developments within the “GB” zone.

37. Members had no question on the application.

Deliberation Session

38. 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 “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. There was no strong justification in the current submission for a departure from the planning intention;
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that the application site and the proposed houses were entirely outside both the village ‘environs’ and the “Village Type Development” zone of recognised villages;
- (c) there was insufficient information in the submission to demonstrate that the proposed development would not have any adverse impact on the existing landscape character and the Tai Po River; and
- (d) the approval of the application would set an undesirable precedent for similar developments within the “GB” zone. The cumulative impact of approving such applications would result in general degradation of the natural environment in the area.

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

Sai Kung and Islands District

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

Agenda Item 7

[Open Meeting]

Proposed Amendments to the

Approved Cheung Chau Outline Zoning Plan No. S/I-CC/3

(RNTPC Paper No. 3/09)

Presentation and Question Sessions

39. Miss Erica S.M. Wong, STP/SKIs, informed that replacement pages 1 and 2 for the Paper had already been sent to Members before the meeting. She then presented the proposed amendments to the Cheung Chau Outline Zoning Plan (OZP) and covered the following main aspects as detailed in the Paper :

- (a) as detailed in paragraph 3 of the Paper, the proposed amendment to the OZP was to rezone a piece of land of about 4 700m² at Fa Peng from “Residential (Group C) 5” to “Green Belt” (“GB”). The site was previously reserved for low-rise low-density residential development since the publication of the first Cheung Chau OZP in 2004. Based on a land use review of the area, it was suggested to rezone the site to “GB” in view of the remote location and the well vegetated nature of the site in order to reflect and preserve the existing natural character of the area;
- (b) as detailed in paragraph 4 of the Paper, the proposed amendment to the Notes of the OZP was to incorporate the amended Chinese translation of the term of ‘Flat’;
- (c) as detailed in paragraph 5 of the Paper, opportunity was taken to revise the

Explanatory Statement of the OZP to take into account the proposed amendments and to reflect the latest position and planning circumstances of the OZP; and

- (d) no adverse comment was received from relevant Government departments. Upon agreement of the Committee, the proposed amendments would be submitted to the Islands District Council for consultation.

40. In response to the Chairperson's enquiry, Miss Erica S.M. Wong said that the subject site was Government land.

Deliberation Session

41. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/3 and its Notes as set out in paragraphs 3 and 4 of the Paper;
- (b) agree that the draft Cheung Chau OZP No. S/I-CC/3A at Appendix II and its Notes at Appendix III of the Paper were suitable for consultation with the Islands District Council before their exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the updated Explanatory Statement (ES) at Appendix IV of the Paper as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zones on the OZP and to be issued under the name of the Town Planning Board; and
- (d) agree that the updated ES was suitable for consultation with the Islands District Council together with the draft Cheung Chau OZP No. S/I-CC/3A.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/43 Temporary School (Kindergarten)
for a Period of 3 Years
in “Other Specified Uses” annotated
“Residential Cum Marina Development” zone,
Shop D1, D2 and Yard, G/F,
Marina Cove Shopping Centre,
Sai Kung
(RNTPC Paper No. A/SK-HH/43)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary school (kindergarten) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received during the statutory publication period. One of the commenters raised concern on traffic congestion whereas the other objected to the application on grounds of traffic congestion, road safety and increased loading to the road surface; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The kindergarten was not incompatible with the adjoining uses such as tutorial schools and shops within the commercial block. Given the small

scale of the kindergarten (about 291m²), it would unlikely cause any adverse traffic and infrastructural impacts on the surrounding areas. Regarding the public comments, as the proposed kindergarten had only one classroom, traffic impacts to the adjacent road network should not be substantial. Appropriate approval condition was recommended to address the road safety concern.

43. Members had no question on the application.

Deliberation Session

44. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the provision of traffic warning signs to alert motorists and pedestrians within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 27.11.2009;
- (b) 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 27.11.2009; and
- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) liaise with the Secretary for Education regarding the school registration matter under the Education Ordinance;
- (b) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) 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 standard; and

- (c) resolve any land issue relating to the development with the concerned owners of the application premises.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/89 Proposed Two Houses (New Territories Exempted Houses)
 in "Green Belt" zone,
 Lot 664 in D.D. 333,
 Chi Ma Wan Road,
 Shap Long Kau Tsuen, Lantau
 (RNTPC Paper No. A/SLC/89)

Presentation and Question Sessions

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

- (a) background to the application – the application site was the subject of a previous application (No. A/SLC/34) for two 3-storey Small Houses which was approved in 1992 as the site fell within the village 'environs' ('VE') of Shap Long Kau Tsuen and the lot had a building right. The approval lapsed in 1996. Subsequently, an application (No. A/SLC/85) submitted by the same applicant for the same development as the current application was rejected by the Committee in 2007. The history of previous planning

approval and building entitlement were duly taken into account in the consideration of the application. After paying due regard to all relevant factors, the application was rejected mainly on the grounds of not complying with the planning intention of the “Green Belt” (“GB”) zone, adverse geotechnical and landscape impacts and undesirable precedent;

- (b) the proposed two houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on the application as approval of the application might set an undesirable precedent for similar applications in the future and the resultant cumulative adverse traffic impact might be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application as the proposed development required further cutting of the slope which might disturb the existing mature trees on top of the slope. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department advised that the proposed development might affect or be affected by an existing unregistered slope to the southwest of the application site, which was steeper than 30° with unknown stability condition. The applicant should submit a Geotechnical Planning Review Report to substantiate the application;
- (d) ten public comments were received during the statutory publication period objecting to the application on grounds of clearance of vegetation prior to application; extensive site formation works adversely affecting stability of the adjacent slope; general presumption against development in the “GB” zone; degrading the natural environment and landscape in the area; extra pressure on existing road and sewerage infrastructure; Small House development should be confined within the “Village Type Development” zone; road safety; and undesirable precedent; 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 application site was located at the foot of a hillslope which was steeper

than 30° with unknown stability condition. There was no information in the submission to demonstrate that the proposed development would not have adverse geotechnical impacts on the surrounding areas. Extensive clearance of natural vegetation and unauthorized site formation and drastic slope cutting works had been carried out on the application site and its adjoining area prior to the application. While landscape works were proposed by the applicant, they were located within the Government slope adjoining the application site, and the proposed planting of shallow rooting shrubs on the slope would not contribute to slope stability, mitigate the loss of mature trees nor restore the landscape resulting from the previous site formation works. Although there were no more trees on the application site and the adjoining slope, the proposed development would create possible further cutting of slope outside the site boundary which might disturb the existing mature trees on the top of the slope. There was insufficient information to demonstrate that the development would not have adverse landscape impacts on the surrounding areas. Notwithstanding that the application site had a building right which should be respected according to the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories, the proposed development did not comply with the Town Planning Board Guidelines for Development within “GB” zone in that it would involve clearance of natural vegetation affecting the existing natural landscape and slope stability. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone.

47. Members had no question on the application.

Deliberation Session

48. After deliberation, the Committee decided to reject the application and the reason was that the proposed development did not comply with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that there was insufficient information in the submission to demonstrate that the proposed development would have no adverse geotechnical and

landscape impacts on the surrounding areas.

[The Chairperson thanked Miss Erica S.M. Wong, Ms. Ann O.Y. Wong and Mrs. Margaret W.F. Lam, STPs/SKIs, for their attendance to answer Members' enquiries. They all left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, 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.]

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/179 Renewal of Planning Approval for
Temporary Sales of Vehicles
(Private Cars and Light Goods Vehicles) and Office
under Application No. A/TM-LTY Y/135 for a Period of 3 Years
in "Village Type Development" zone,
Lot 3674 RP in D.D. 124,
Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/179)

Presentation and Question Sessions

49. Mr. C.C. Lau, 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 sales of vehicles (private cars and light goods vehicles) and office under Application No. A/TM-LTYT/135 for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 11 of the Paper.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m. was allowed on the site during the planning approval period;
- (b) no workshop activities including car repairing, dismantling and paint-spraying should be carried out on the site at any time during the planning approval period;
- (c) no vehicles of 5.5 tonnes or more, container vehicles and container trailers were allowed to be parked/stored on the site at any time during the planning approval period;

- (d) the existing vehicular access to the application site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities should be maintained at all times during the planning approval period;
- (f) 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 27.8.2009;
- (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 27.11.2009;
- (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 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 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.

52. 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 was not covered by the application;

- (b) note the District Lands Officer/Tuen Mun's comments that his office would consider the application for Short Term Waiver (STW) if the planning application was approved. However, the application for STW would not necessarily be successful;
- (c) note the Director of Fire Services' comments on the requirements of formulating the fire service installations proposals as stated in Appendix V of the Paper; and
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorized building works/structures within the site; the granting of any 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 BO or other enactment might be taken if contravention was found; any proposed temporary buildings were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new building works for approval under the BO was required; if the site did not abut on a street of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage; and note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

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

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/296 Temporary Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles With Ancillary Office and Storeroom for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots 2428 RP (Part) and 2429 RP (Part) in D.D. 124
and Adjoining Government Land,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/296)

Presentation and Question Sessions

53. 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 vehicle park for private cars, light goods vehicles and medium goods vehicles with ancillary office and storeroom for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in

paragraph 11 of the Paper. Approval of the application on a temporary basis would not frustrate the implementation of planned use in the long term since there was no known development proposed for the “Comprehensive Development Area” zone. The applied use was not incompatible with the surrounding uses which were mainly vacant sites, open storage yards and Light Rail facilities. To address DEP’s concerns, the applicant had proposed a layout to increase the distance between the two residential dwellings to the north of the site and the parking spaces for medium goods vehicles so as to meet the requirement of 100m distance under the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’. Also, the vehicles would be used for delivering goods during the day and parked at the site overnight so that only two trips would be generated by each vehicle per day. Besides, approval conditions prohibiting the parking of heavy goods vehicles, container vehicles and trailers and vehicle repair workshop, and restricting operation hours would be imposed to reduce possible environmental nuisances. In view of the small-scale operation of the vehicle park, it would unlikely create significant adverse traffic, drainage and landscape impacts on the surrounding areas. However, it was noted that the first two previous applications (No. A/YL-PS/267 and 277) submitted by the same applicant were revoked due to non-compliance of approval conditions. For the last previous application (No. A/YL-PS/288), although approval conditions relating to drainage facilities and fire service installations were yet to be complied with, an application for extension of time for compliance with these approval conditions was approved by the Director of Planning under delegated authority on 23.1.2009. In order to ensure that the applicant would expedite action on the fulfillment of approval conditions, shorter compliance periods were recommended for the current application if it was approved by the Committee. The applicant would also be advised that favourable consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions.

54. Members had no question on the application.

Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no dismantling and repairing of vehicles and other workshop activities were allowed on the site at any time during the planning approval period;
- (c) no goods vehicles exceeding 24 tonnes, coaches, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (d) 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;
- (e) the parking layout arrangement, as proposed by the applicant, should be adhered to at all times during the planning approval period;
- (f) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under Application No. A/YL-PS/277 should be maintained at all times during the planning approval period;
- (h) the submission of the condition record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by

27.5.2009;

- (i) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.5.2009;
- (j) in relation to (i) above, the provision of fire service installations proposed within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

56. 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) shorter compliance periods were imposed so as to monitor the fulfillment of 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) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note the District Lands Officer/Yuen Long's comments that the applicant should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularise the irregularities on the site. Should no STW/STT application be received/approved and the irregularities persisted, his office, on review of the situation, would take appropriate action according to the established district lease enforcement and land control programme;
- (f) 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;
- (g) note the Assistant Commissioner for Transport/New Territories, Transport Department (TD)'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 with the relevant lands and maintenance authorities accordingly;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the access proposal to the site should be approved by TD. If the access proposal was approved, the applicant should construct the run-in/out at the access point in accordance with HyD standard drawings No. H1113/H1114 or H5115/H5116 to match with the existing pavement condition. In addition, the applicant should construct an intercept channel at the site entrance to prevent surface water running out from the site to public roads/drains. HyD should not be responsible for the maintenance of any vehicular access between the site and Hung

Yuen Road;

- (i) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that storage of debris or parking of vehicles within 1m of tree trunks should be avoided;
- (j) note the Director of Fire Services' comments on the requirements of formulating fire service installations proposal in Appendix III of the Paper;
- (k) note the Chief Building Surveyor/New Territories West, Buildings Department's comments on the removal of unauthorised structures on 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 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; and
- (l) note the Project Manager/New Territories North and West, Civil Engineering and Development Department's comments that the section of bicycle track along Castle Peak Road adjacent to the site would be widened and the project was scheduled to commence in the third quarter of 2009.

[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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/455 Proposed Houses
in “Other Specified Uses” annotated “Rural Use” zone,
Lot 618 RP in D.D. 106 and Adjoining Government Land,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/455)

Presentation and Question Sessions

57. The Committee noted that the applicant requested on 11.2.2009 for a deferment of the consideration of the application to allow time for preparing supplementary information to address concerns raised by Government departments.

Deliberation Session

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

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/457 Temporary Open Storage of Vehicles
(Coaches and Tractors/Goods Vehicles) for Sale
and Ancillary Facilities for a Period of 3 Years
in “Agriculture” zone,
Lots 462 S.B RP (Part), 463 RP, 465 S.B RP (Part), 520 RP (Part)
and 521 RP (Part) in D.D. 103 and Adjoining Government Land,
Ko Po Tsuen,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/457)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles (coaches and tractors/goods vehicles) for sale and ancillary facilities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/dwellings located to the north and east of the site, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period. The District Officer (Yuen Long) advised that a written objection was received from a member of the public on 13.2.2009 after the expiry of the statutory publication period. The objector strongly objected to the application on the grounds that the road serving the site was too narrow for

the access of large vehicles; and vehicular trips generated by the applied use and its adjoining open storage yard to the east of the site would cause safety problem and further damaged the roads. Although the applicant had withdrawn the application for a bus-repairing workshop to the east of the site, this workshop was an illegal operation and had caused leakage of gasoline polluting the environment. Besides, a number of mature trees in the area had been felled. Approval of the application ignoring the public interest was not in line with the general principle of environmental protection promoted by the Chief Executive; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses consisting of a mixture of open storage yards, workshop, parking lot and vacant land. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Agriculture” zone. The application was in line with the Town Planning Board Guidelines No. 13E in that relevant departments, except DEP, had no objection to/adverse comment on the application. Previous approvals (No. A/YL-KTS/255 and 379) covering portions of the site for different temporary storage uses had been granted by the Committee. To address DEP's concern, approval conditions restricting the operation hours and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were recommended. Regarding the local objection, relevant Government departments had no adverse comment on traffic, pedestrian safety and landscape aspects of the application. Appropriate approval conditions were recommended to address the concerns on environmental and landscape impacts.

60. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 27.2.2012, 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. 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 statutory holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) 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;
- (d) 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 27.8.2009;
- (e) in relation to (d) above, the implementation of 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 27.11.2009;
- (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 27.8.2009;
- (g) in relation to (f) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.11.2009;
- (h) 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 27.8.2009;

- (i) in relation to (h) 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 27.11.2009;
- (j) if the above planning conditions (a), (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;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

62. 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 the District Lands Officer/Yuen Long's comments that Modification of Tenancy (MOT) No. MNT1162 and a Letter of Approval (L of A) were issued on 2.7.1965 for erection of structures over Lots 463RP and 520RP in DD 103 for domestic and agricultural purposes. If the structures covered by MOT and L of A were converted into unauthorized uses without prior permission, his office would terminate the MOT and L of A and reserved the right to take enforcement action against these irregularities. His office also reserved the right to take control action against the unlawful

occupation of Government land within the site. The applicant/owners were reminded to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. As it was a policy not to grant STW to portion of a lot, the portions of lots within the site should be properly carved out unless the other portion of the lot outside the site was free of any structure. If no application for STW/STT was received/approved and any irregularities persisted on site, his office would consider taking appropriate lease enforcement/control action against the registered owners/occupier according to the prevailing programme. Besides, the site was accessible by an informal track from Kam Tin Road, which ran through open government land without maintenance works to be carried out thereon by his office. His office would not guarantee such right-of-way;

- (d) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that five out of the eight numbers of existing trees, all *Melaleuca quinquenervia* (白千層), ranging from 12m to 15m in height as well as some smaller landscaping trees implemented under the approval condition of the previous planning application No. A/YL-KTS/379 had been removed. All the lost *Melaleuca quinquenervia* should be replaced by the largest commercial size trees available on the market;
- (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 Environmental Protection Department to minimize any potential environmental nuisances;
- (f) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person should be appointed to coordinate all building works;

- (g) note the Director of Fire Services' comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the requirements indicated in Appendix V of the Paper should be observed. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and

- (h) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage (LV) overhead lines within the site and overhead line poles next to the site. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to obtain safety advice and ascertain that adequate safety clearance from the LV overhead lines were maintained from the vicinity of the proposed development. The overhead line poles next to the site should be guarded against the possibility of being knocked down by the vehicles. Storage of materials and vehicles including car parking, piling and stacking of any materials should not be allowed beneath the overhead lines. At all times, the safety clearance to the LV overhead lines above should be maintained. Besides, 24-hour unrestricted access to the site should be granted to the CLPP as they might carry out emergency operation and maintenance work beneath the LV lines at any time within the site. In addition, the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/458 Temporary Open Storage of Private Vehicles and Vehicle Parts
for a Period of 3 Years
in “Agriculture” zone,
Lots 460 RP, 461 RP (Part) and 462 S.B RP (Part) in D.D. 103,
Kam Tin Road,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/458)

Presentation and Question Sessions

63. 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 private vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses consisting of a mix of open storage yards,

workshop and parking lots. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Agriculture” zone. The application was in line with the Town Planning Board Guidelines No. 13E mainly in that relevant departments, except DEP, had no objection to/adverse comment on the application; and there were previous approvals granted for similar use at the site. To address DEP’s concerns, approval conditions restricting the operation hours and prohibiting vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were recommended.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities were allowed on the site at any time during the planning approval period;
- (d) the drainage facilities agreed under the previous application No. A/YL-KTS/289 should be maintained at all times during the planning approval period;
- (e) the existing plantings on the application site should be maintained at all

times during the planning approval period;

- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2009;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2009;
- (h) 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 27.8.2009;
- (i) in relation to (h) 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 27.11.2009;
- (j) 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;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

66. 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 the District Lands Officer/Yuen Long's comments that Short Term Waiver (STW) No. 2784 was approved to Lot 461 RP in DD 103 permitting structures with Built Over Area (BOA) not exceeding 63.1m² and height not exceeding 6.5m for the use of ancillary use to open storage of left-hand-drive vehicles. His office reserved the right to take enforcement action under STW for excessive BOA. The registered owners of the lots should apply for STW (or modification of STW) to regularize the irregularities on the site. Should no such application be received/approved and any irregularities persisted on the site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. In addition, the site was accessible by an informal track from Kam Tin Road, which ran through open government land without maintenance works to be carried out thereon by his office. His office would not guarantee such right-of-way;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (f) note the 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). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should

not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future;

- (g) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the applicant should make reference to the requirements stated in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justification should be provided to his department for consideration; and

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/575 Temporary Open Composting Use
for a Period of 3 Years
in “Agriculture” zone,
Lots 1865 (Part), 1866 (Part), 1867 (Part) and 1868 (Part) in D.D. 111,
Kam Tin Road,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/575)

Presentation and Question Sessions

67. 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 composting use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 11 of the Paper. The applied use, basically involved an agricultural processing activity, was not out of line with the planning intention of the “Agriculture” zone. It served to support and complement cultivation uses which this zone catered for. The applied use did not

include packaging, and no workshop and engineering works would be conducted on the site. While the Director of Environmental Protection raised concerns on the existence of dwelling units close to the site, dust caused by passing vehicles on the surroundings, and washing down of composting materials into the streams nearby, he considered that the application could be tolerated in view of no environmental complaint on the existing temporary use on the site was received in the past 3 years. Nonetheless, to prevent disperse of composting materials to the nearby streams, an approval condition requiring the provision of peripheral fencing was recommended.

68. Members had no question on the application.

[Mr. Rock C.N. Chen left the meeting temporarily at this point.]

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 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;

- (e) the provision of peripheral fencing at the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2009;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2009;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2009;
- (h) 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 27.8.2009;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.11.2009;
- (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 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.

70. 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) note the District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. The site was accessible by an informal track from Kam Tin Road, which ran through open government land and private land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (d) 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 minimize any potential environmental nuisances. In particular, composting materials should be prevented from washing down into the streams along the northern and southern boundaries of the site;
- (e) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow. 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;
- (f) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited

(CLPP), there were shallow buried 11 kV high voltage cable ducts within the site. The applicant and his contractors should consult CLPP in respect of the safety clearances required for activities near the high voltage cable ducts. In the circumstances that the safety clearances of the concerned supply lines were insufficient or electrical danger might arise due to their proximity to the development, the applicant and his contractors should liaise directly with CLPP to divert the concerned section of the cable ducts. The applicant and his contractors should observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines; and

- (g) note the Director of Agriculture, Fisheries and Conservation's comments that disturbance to the watercourse adjacent to the site should be avoided, especially in terms of surface runoff.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/415 Temporary Warehouse for Storage of Packed Office Equipment
for a Period of 3 Years
in "Undetermined" zone,
Lots 1487 (Part), 1488 S.A (Part), 1488 RP (Part)
and 1489 (Part) in D.D. 119 and Adjoining Government Land,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/415)

Presentation and Question Sessions

71. 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 packed office equipment for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;

[Mr. Rock C.N. Chen returned to join the meeting at this point.]

- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 11 of the Paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storages that could not be accommodated in conventional godown premises. Besides, the applied use was considered not incompatible with the surrounding areas which were mixed with open storage yards, warehouses, workshops and residential structures. Approval of the application on a temporary basis would not frustrate the long-term use of the area since there was no known programme for permanent development. As the development was only for storage purpose in an enclosed warehouse, and the applicant undertook to operate during restricted hours only and would not carry out workshop or noise-generating activities on the site, it was expected that the development would not generate significant environmental impacts on the surrounding areas. Nonetheless, to address possible concerns on environmental impacts and to prohibit open storage use on the open areas of the site, approval conditions restricting the operation hours, prohibiting storage of electronic waste and used electrical appliances, open storage and workshop

activities and use of heavy vehicles, and requiring maintenance of the existing boundary fence were recommended. Moreover, in view of that the previous planning approval was revoked due to non-compliance with approval conditions prohibiting the storage of electronic waste and used computers and the carrying out of open storage, dismantling and workshop activities on the site, should the application be approved, a shorter approval period of two years was recommended in order to monitor the situation on the site. The applicant would also be reminded that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions.

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 27.2.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (d) no open storage, dismantling, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road

Traffic Ordinance or tractors/trailors, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;

- (f) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (g) the implementation of the landscape proposal under Application No. A/YL-TSYT/383 within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.5.2009;
- (h) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.5.2009;
- (i) in relation to (h) 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 27.8.2009;
- (j) 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 27.5.2009;
- (k) in relation to (j) 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 27.8.2009;
- (l) 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;
- (m) if any of the above planning conditions (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 application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

74. 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. open storage of goods) 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) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) a shorter approval period of 2 years was granted so as to monitor the situation on 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) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (f) note the District Lands Officer/Yuen Long's comments that his office reserved the right to take control/enforcement action against the unauthorized occupation of Government land and structures on Old Schedule Agricultural Lots. The land owners should apply for Short Term Waiver (STW) for the structures erected/to be erected on the site and the occupier should apply for Short Term Tenancy (STT) to regularize the

unlawful occupation of Government land. It was noted that the site involved portions of lots. As it was a policy not to grant STW to portion of a lot, the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the application site was free of any structure. Should no STW/STT application be received/ approved and the irregularities persisted, his office would take appropriate action according to the established district lease enforcement and land control programme. Moreover, vehicular access to the site would require passing through other private lots and Government land leading to Kung Um Road. His office did not provide maintenance works on the Government land concerned nor guarantee right-of-way;

- (g) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office should not be responsible for the maintenance of any vehicular access connecting the site and Kung Um Road;
- (i) follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (j) note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper;
- (k) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow; and

- (l) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. The use of container as store was considered as temporary building and was subject to control under Building (Planning) Regulation (B(P)R) Part VII. 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 B(P)R 19(3) at the building plan submission stage. B(P)R 41D regarding the provision of emergency vehicular access was also applicable.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/416 Temporary Open Storage of
Construction Materials, Mobile Toilets and Recycled Materials
including Metal, Paper and Plastic Goods for a Period of 3 Years
in "Undetermined" zone,
Lots 2707 to 2711 in D.D. 120, Lots 1638 to 1640, 1664, 1665,
1666 (Part), 1667 (Part), 1668, 1669, 1671 to 1675, 1676 S.A
and 1676 S.B in D.D. 121 and Adjoining Government Land,
Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/416)

Presentation and Question Sessions

75. 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 construction materials, mobile toilets and recycled materials including metal, paper and plastic goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the west and south of the site and environmental nuisance was expected;
- (d) one public comment was received during the statutory publication period raising objection to the application on the grounds that the access road leading to the site was too narrow for heavy vehicles and would pose potential danger to the area; and the moving of stored metal goods and construction materials within the site would generate noise and cause disturbance to nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 13E in that departments' concerns were technical in nature which could be addressed through the implementation of approval conditions; and there were similar applications approved in this part of the "Undetermined" zone. The proposed development was not incompatible with the surrounding areas which were mixed with open storage yards, residential structures and vacant land. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting dismantling, repairing, cleansing and workshop activities, restricting the type of vehicles used and requiring maintenance of the existing boundary fence on site were recommended. Regarding the public objection on traffic safety and environmental grounds, the Transport Department and the Commissioner of Police had no adverse comment on the application.

Relevant approval conditions were recommended to address the environmental concerns.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, 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 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no dismantling, repairing, cleansing and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or tractors/trailors were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing boundary fence on the application site should be maintained at all times during the planning approval period;
- (f) the implementation of replacement planting for all the dead and missing trees on the application site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2009;
- (g) the submission of drainage proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2009;

- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.11.2009;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2009;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2009;
- (k) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

78. 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. workshop) 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) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long's comments that his office reserved the right to take control/enforcement action against the unauthorized occupation of Government land and structures on Old Schedule Agricultural Lots (OSALs). The land owners should apply for Short Term Waiver (STW) for the structures erected/to be erected on the OSALs and the occupier should apply for Short Term Tenancy (STT) to regularize the unlawful occupation of Government land. It was noted that the site involved portions of lots. As it was a policy not to grant STW to portion of a lot, the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the application site was free of any structure. Should no STW/STT application be received/approved and the irregularities persisted, his office would take appropriate action according to the established district lease enforcement and land control programme. Moreover, vehicular access to the site would require passing through other private lots and Government land leading from Shan Ha Road. His office did not provide maintenance works on the Government land concerned nor guarantee right-of-way;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) follow the latest 'Code of Practice on Handling the Environmental Aspects

of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;

- (g) note that 10 of the previously implemented landscaping trees were found dead. Replacement planting for all the dead and missing trees should be implemented under approval condition (f) above;
- (h) note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for the 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 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;
- (i) note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the 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 of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. B(P)R 41D regarding the provision of emergency vehicular access to all buildings to be erected on the site was also applicable. Detailed consideration would be made at the building plan

submission stage; and

- (k) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited, there were 11 kV high voltage underground cables within the site and overhead line poles and step-down transformers 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 the electricity supply lines. There should be no piling of materials and goods next to the overhead line poles. A minimum of safety clearance of 2.9m should be maintained in all directions from the exposed live conductors.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/417 Renewal of Planning Approval for
Temporary "Interim Housing" Use
under Application No. A/YL-TYST/308 for a Period of 3 Years
in "Open Space" zone and an area shown as 'Road',
Long Bin Interim Housing Area,
Junction of Castle Peak Road - Ping Shan and Long Tin Road,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/417)

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

- | | |
|--|---|
| Mrs. Ava S.Y. Ng
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) of the HKHA; |
| Mr. Simon Yu
as the Assistant Director of the
Lands Department | - being an alternate member for the Director of Lands who was a member of the HKHA; |

- | | |
|---|---|
| Mr. Andrew Tsang
as the Assistant Director of the
Home Affairs Department | - being an alternate member for the Director
of Home Affairs who was a member of the
SPC of the HKHA; |
| Professor Edwin H.W. Chan | - being a member of the Building Committee
of the HKHA; and |
| Messrs. B.W. Chan and
Y.K. Cheng | - being the former HKHA members. |

80. The Committee noted that Mr. Andrew Tsang and Professor Edwin H.W. Chan had tendered apologies for not attending the meeting while Mr. B.W. Chan had already left the meeting, and considered that the other Members' interests direct and should leave the meeting temporarily for the item. As the Chairperson had declared interest, Members agreed that the Vice-chairman should chair the meeting for the item.

[Mrs. Ava S.Y. Ng, Mr. Simon Yu and Mr. Y.K. Cheng left the meeting temporarily at this point.]

Presentation and Question Sessions

81. 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 "interim housing" use for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) eight public comments were received during the statutory publication period raising objection to the application. Most of the commenters requested to terminate the interim housing use so that the site could be developed into an open space as planned to meet the need of the district. Some commenters considered that the use of the site for interim housing

was a waste of land resources and it would create adverse impact on the surrounding environment; 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 accorded with the Government's policy to provide temporary accommodation for households ineligible for conventional public rental housing. According to the applicant, the occupancy rate of the interim housing at the site had remained at an average of 70% in 2008. With anticipated clearance of other interim housing projects in the urban areas, the site might be the only remaining one to serve the needy families. The development, with a relatively low density (plot ratio of 0.7), was not incompatible with the surrounding environment which was primarily low-rise residential in character. The existing provision of open space in Yuen Long district was adequate in accordance with the Hong Kong Planning Standards and Guidelines, and the site was located not far from the existing 7.4 ha Yuen Long Park. As there was no development programme for the planned open space at the site, continuation of the interim housing use for a further period of 3 years would not jeopardize the long-term planning intention of the "Open Space" zone. Moreover, the conditions of the previous approval including maintenance of existing trees/landscape plantings and drainage/sewerage facilities had been complied with. Regarding the local objections urging the Government to develop the planned open space at the site, the Director of Leisure and Cultural Services advised that there was currently no programme to implement the open space and the existing open space provision for Yuen Long district was adequate. As the interim housing had been in existence at the site for over a decade and it was not incompatible with the surrounding environment, continuation of the use at the site for the interim period would ensure that the scarce land resource was better utilised. Besides, relevant Government departments did not consider that the interim housing would create adverse environmental or traffic impacts on the surrounding areas.

82. Members had no question on the application.

Deliberation Session

83. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing trees and landscape plantings on the application site should be maintained at all times during the planning approval period;
- (b) the existing drainage and sewerage facilities on the application site should be maintained at all times during the planning approval period;
- (c) the submission of emergency vehicular access, water supply for fire fighting 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 27.8.2009;
- (d) in relation to (c) above, the provision of emergency vehicular access, water supply for fire fighting 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 27.11.2009;
- (e) 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;
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the

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

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

- (a) note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply for an extension of time of the Vesting Order which was due to expire by 17.3.2009;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage and sewerage facilities within the application site should be rectified if they were found inadequate/ineffective during operation;
- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) note the Chief Engineer/Development (2), Water Supplies Department's comments that as the existing water mains would be affected, the applicant should bear the cost of any necessary diversion works. Moreover, 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; and
- (e) note the Director of Electrical and Mechanical Services' comments that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage (380V) and high voltage (11kV) underground cables within 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. Prior to establishing any structure within the site, the applicant and his contractors should liaise with CLPP to divert the existing low voltage and high voltage underground cables away from the vicinity of the development.

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

[Mrs. Ava S.Y. Ng, Mr. Simon Yu and Mr. Y.K. Cheng returned to join the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/593 Renewal of Planning Approval for Temporary Container Trailer Park with Ancillary Trailer Inspection Service under Application No. A/YL-HT/432 for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 60 (Part), 63 (Part), 65 (Part), 66, 67 (Part), 68, 69 (Part), 70, 71 and 72 RP (Part) in D.D. 128, Lots 3019 (Part), 3021 (Part), 3022, 3024 RP (Part) and 3025 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/593)

Presentation and Question Sessions

85. Mr. Anthony C.Y. Lee, STP/TMYL, informed that replacement pages 6, 10 and 11 for the Paper had already been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the renewal of planning approval for temporary container trailer park with ancillary trailer inspection service under Application No. A/YL-HT/432 for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the owners/occupier failed to accept offer of Short Term Waivers (STWs) and Short Term Tenancy (STT) to regularize the unauthorized structures on-site and the unlawful occupation of Government land respectively. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied for open storage yards. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. To address DEP's concerns, approval conditions restricting the operation hours and prohibiting vehicle dismantling, repairing and workshop activities were recommended to mitigate any potential environmental impacts. For DLO/YL's concern, the applicant would be reminded to make the STW/STT application again for regularization of unauthorized structures on-site/unlawful occupation of Government land. Due to demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications within the same

“CDA” zone.

86. Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2012, 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 8:00 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, repairing or workshop activity should be carried out on the site at any time during the planning approval period;
- (d) only container trailer was allowed to be parked on the site during the planning approval period;
- (e) all existing vegetation on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Applications No. A/YL-HT/292 and 432 should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2009;
- (h) the construction of an intercept 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 27.8.2009;

- (i) 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 27.8.2009;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2009;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

88. 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 issue 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 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; application for Short Term Waiver (STW)/Short Term Tenancy (STT) should be made to regularize the unauthorized structures on site and the unlawful occupation of Government land respectively; and the portions of lots within the site should be properly carved out for the application unless the portions outside the site were free of any structure. Should no STW/STT application be received/approved and the said irregularities persisted, his office would take appropriate action according to the established district lease enforcement and land control programme;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department;
- (e) note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the internal layout of the site should be arranged such that sufficient space was provided for manoeuvring of vehicles within the site and no backing in/out movement of vehicles was required; all internal roads within the site should be designed and constructed to Transport Planning and Design Manual and HyD's standards, otherwise, properly manned gates should be installed at the entrance;
- (g) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be

submitted to his Department for consideration and approval. The layout plans should be drawn to scale and depicted with dimension and nature of occupancy, and the location of the proposed FSI should be clearly marked on the layout plans;

- (h) 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 structure such as shelter and containers for office and storage use, for approval under the BO was required; Building (Planning) Regulation 41D regarding the provision of emergency vehicular access was applicable; and
- (i) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/172 Proposed Land and Pond Filling for
Permitted New Territories Exempted House Development
in "Village Type Development" zone,
Lots 3235 S.A to S.F, 3235 RP, 3236 S.A to S.G, 3236 RP,
3237 S.A to S.I, 3237 RP, 3238 S.A to S.F, 3238 RP, 3239 S.A to S.D,
3239 RP, 3244 S.A to S.D, 3244 RP, 3245 S.A to S.K and
3245 RP in D.D. 104 and Adjoining Government Land,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/172)

89. The Secretary reported that on 25.2.2009, the Court of First Instance granted leave to an application for judicial review (JR) which was lodged by King Lucky Development Limited and 27 landowners related to a previous Application No. A/YL-MP/154 for the subject site. Details such as the subject matter and grounds of the JR had not yet been received. According to the advice of the Department of Justice, the JR for the subject site and the current application should be handled separately, and the Committee should continue to process the current application in accordance with the provisions of the Town Planning Ordinance.

Presentation and Question Sessions

90. Mr. Anthony C.Y. Lee, STP/TMYL, informed that the Chinese translation of one of the public comments received (Appendix IVd of the Paper) was tabled at the meeting for Members' reference. With the aid of a Powerpoint presentation, he then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – a previous Application No. A/YL-MP/154 for land/pond filling for permitted New Territories Exempted Houses (NTEHs) at the site was approved by the Committee on 2.2.2007. However, the planning permission was withdrawn by the Town Planning Board (the Board) on 21.11.2008 in view of the breach of condition (b) requiring the implementation of drainage proposal prior to land and pond filling on site;
- (b) as compared with the previous Application No. A/YL-MP/154, the current application was submitted by a different applicant for the same use (i.e. proposed land and pond filling for permitted NTEH development) on a reduced site area (reduced from 9 250m² to 8 661m², i.e. -589m²). Of the original three ponds within the site, the two in the north on private land had already been filled and the one in the south, which straddled private land and Government land (GL), had been filled on the private land portion before the planning permission for Application No. A/YL-MP/154 was withdrawn;

- (c) departmental comments – the departmental comments were detailed in paragraph 9 of the Paper. The District Lands Officer/Yuen Long (DLO/YL) had no objection to the application within the subject private lots. However, land/pond filling on the portion of GL was not supported unless the Drainage Services Department (DSD) confirmed that land/pond filling on the portion of GL was necessary for the implementation of drainage required under the planning approval, and DSD would take up future maintenance responsibility of the drainage works proposed by the application on the GL. The Chief Engineer/Mainland North, DSD had no objection to the application and agreed to take up the maintenance responsibility of the proposed drainage facilities on the GL portion only provided that the proposed drainage facilities would collect the stormwater runoff from the surrounding area outside the applicant's site boundary and would serve as part of the public drainage system. The Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as the abandoned ponds at the site still had potential for fish culture activities;
- (d) six public comments were received during the statutory publication period raising objection to the application on the grounds that it was unreasonable for the Board to accept a fresh planning application while the decision for review on the withdrawal of planning permission for Application No. A/YL-MP/154 was yet to be available; the unauthorised land/pond filling would damage the surrounding environment, cause flooding problem, generate more traffic on existing narrow Ha San Wai Road and create adverse fung shui impact; no information on the details of the current application and notification of land owners was available for public inspection, and no site notice had been posted; the drainage facilities and the Small Houses could be built within the private land without the need to encroach onto the GL; the levelled Government pond could be illegally occupied for carparking or open storage and the applicant should remove the fill materials thereon after completion of works; filling of the Government pond up to 3.5mPD would result in a low-lying position for

one of the commenter's home, hence affecting his living environment; the applicant should pay land premium for placing his private drains on GL; contaminated mud that filled the ponds would affect the crops and fishes kept by one of the commenters; and the applicants of Application No. A/YL-MP/154 were not indigenous villagers of Chuk Yuen Tsuen;

- (e) the District Officer (Yuen Long) advised that the Village Representative of San Wai Tsuen objected to the application on the grounds that the proposed land filling would cause flooding and affect some of the villagers, generate more traffic on the existing narrow Ha San Wai Road and create adverse fung shui impact;
- (f) the Office of the Chief Executive, the Secretary for Development and the Director of Audit each also received a letter containing some comments related to the application, which were similar to the public comments in paragraph 11.2 of the Paper;
- (g) 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 NTEH development at the site was in line with the planning intention of the “Village Type Development” (“V”) zone, and compatible with the rural character of the area predominated by residential structures/village houses, vacant land and ponds. Although DSD accepted a drainage proposal under the previous Application No. A/YL-MP/154, approval conditions were recommended requiring the submission and implementation of a new drainage proposal with flood relief mitigation measures to reflect the change in site boundary, and that no pond/land filling on-site was allowed until the flood relief mitigation measures were implemented to the satisfaction of DSD. To minimise flood risk during the coming rainy season, compliance periods for the conditions related to submission and implementation of drainage works would also be imposed and the applicant would be advised to expedite their action. On DAFC's concern, it should be noted that the area was zoned “V” and hence pond filling was deemed necessary to facilitate Small House development. For

DLO/YL's concerns on the use of GL, it was a land administration matter which should be sorted out by the applicant with the Lands Authority. In any event, the applicant indicated that the GL would be returned to the Government upon completion of the land/pond filling works and necessary drainage facilities. Moreover, DSD agreed to take up the drainage facilities to be provided on the GL portion if the facilities would serve as part of the public drainage system and were constructed to his satisfaction. Regarding the local concerns on the general procedures of processing planning applications and enforcement, all of these had been handled in accordance with the provisions under the Town Planning Ordinance. A site notice on the subject application had been posted at the entrance gate located to the southwest of the site. For the other concerns, approval conditions could be imposed requiring the submission of a new drainage proposal together with flood relief measures to the satisfaction of DSD within a specified time if the Committee decided to approve the application. DSD had also committed to mobilise his term contractor to carry out emergency relief works to alleviate any flooding conditions, and would take up the maintenance of drainage facilities on GL on condition that the facilities formed part of the public drainage system. The Lands Department had established procedures to ensure proper use of GL and would enforce against illegal occupation of GL. The Transport Department had no adverse comment on the traffic aspect. Moreover, the applicant would be advised to liaise with local villagers to address their concerns on fung shui issue.

91. In reply to the Chairperson's question, Mr. Anthony C.Y. Lee said that the ponds on the site had already been filled except the one in the south on the GL portion.

Deliberation Session

92. 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 27.2.2013, 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) no land and pond filling on site would be allowed until the flood relief mitigation measures had been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission of landscape and tree preservation proposal before land grant to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of landscape and tree preservation proposal before occupation of the proposed New Territories Exempted Houses to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a drainage proposal including flood relief mitigation measures within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.5.2009;
- (e) the implementation of the drainage proposal including flood relief mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2009;
- (f) if any of the above planning conditions (a), (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; and
- (g) if any of the above planning conditions (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.

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

- (a) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that there was no guarantee to grant approval to anybody to enter and occupy any Government land with or without a planning permission. Appropriate land control action would be taken against any unauthorised occupation or land/pond filling activities on Government land. Landscaping proposal within the Government land portion should be designed in such a way that there would be no intensive planting of trees and that grass turfing was preferred;
- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed flood relief mitigation measures could be implemented around the periphery of the site prior to any pond filling activities. In the drainage submission, the flood relief mitigation measures should be clearly delineated from the internal drainage of the development. The applicant should expedite the submission and implementation of the drainage proposal, especially the flood relief mitigation measures;
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted site formation and communal drainage works were subject to compliance with the Buildings Ordinance (BO), and that an Authorised Person should be appointed for formal submission for approval under the BO;
- (d) note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the 'New Territories Exempted Houses – A Guide to Fire Safety Requirement' issued by the Lands Department. Detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by the DLO/YL; and
- (e) note the local concerns in paragraphs 10.2 and 11 of the Paper and further liaise with the locals to address their fung shui concerns.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

94. 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 incorporation of shops and services to a clubhouse building of an existing residential development and corresponding minor relaxation of plot ratio restriction from 0.4 to 0.419. The existing 1-storey clubhouse would be constructed through alteration and addition works to a proposed 2-storey clubhouse building at a height of 7.62m to accommodate recreational facility of 471.8m² in gross floor area (GFA) (same as the existing provision) as well as shops and services of 443.8m² in GFA;
- (c) departmental comments – the Commissioner of Police (C of P) did not support the application as the submission had failed to resolve the existing problem of illegal on-street parking and there was no means or intention to restrict the proposed shop and services to only serve local residents of Maple Gardens. The change of clubhouse to shop and services use would aggravate the problem;
- (d) a total of 12 public comments were received during the statutory

publication period, 11 of which were from local residents who objected to the application on the grounds that the proposed development was excessive in scale and would threaten the public order, cause environmental hygiene problem, aggravate the illegal parking problem, increase the management fee, and overtax the existing community facilities. The remaining public comment was from the Incorporated Owners of Maple Gardens Phase 1 and Phase 2 who complained against the short notice given by the applicant, thereby contravening section 16(2) of the Town Planning Ordinance. Four residents of Maple Gardens also shared the above concern on short notice;

- (e) the District Officer (Yuen Long) advised that the application was objected by the Incorporated Owners of Maple Gardens who had submitted their objection to the Town Planning Board direct; 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. The proposed development was in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone in that it would provide supporting shop and services to local residents in the residential area. Regarding the minor relaxation in plot ratio restriction, it was noted that the lease covering the site was executed in 1977 well before the gazetting of the subject “R(C)” zone on the draft Ngau Tam Mei Development Permission Area Plan No. DPA/YL-NTM/1 in 1991. The lease allowed the development of a shopping centre not exceeding 464.5m² in GFA and a maximum height of 7.62m above the mean formation level. As the above lease terms had not been fully reflected in the outline zoning plan which post-dated the lease, sympathetic consideration could be given to the application. Besides, the proposed relaxation of the overall plot ratio from 0.4 to 0.419 was minor in nature and considered not incompatible with the surrounding low-rise low-density private residential developments of Maple Gardens Phase 2 and Scenic Heights. Although the adjoining developments were also subject to a maximum plot ratio of 0.4, the slight increase to reflect the lease entitlements was considered unique in nature

and acceptable. Moreover, the proposed development would not have significant adverse impact on the traffic, environment and infrastructure of the area. Although C of P did not support the application due to illegal on-street parking problem, it was a traffic management issue and the Transport Department had no adverse comment on the proposal. Regarding the local concerns on environmental hygiene and traffic impacts arising from the proposed development, relevant Government departments had no adverse comment on the application. As regards the Incorporated Owners of Maple Gardens' complaint on the short notice of the application given by the applicant, it was noted that the applicant sent a notice to the concerned Incorporated Owners on 22.9.2008 and posted a site notice on 23.9.2008. These had complied with the requirements of the Town Planning Board Guidelines on Satisfying the 'Owner's Consent/Notification' Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31).

95. Members had no question on the application.

Deliberation Session

96. 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 27.2.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and provision of emergency vehicular access, water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that detailed comments on the design and disposition would be given at the building plan stage;

- (b) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no public stormwater drainage maintained by his Office was currently available for connection. The area was probably served by some of the existing local village drains or roadside drains which were probably maintained by the District Officer (Yuen Long) (DO/YL) or the Highways Department (HyD) respectively. The applicant should approach DO/YL and HyD if the applicant wished to know more about these drains. If the proposed discharge point was to either one of these drains, comments/agreement should be sought from the relevant departments on the proposal. 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 site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost. All existing drains, channels and streams in its vicinity and within the site should not be disturbed and blocked and existing drainage outlets from adjacent existing buildings/lots passing through the site should not be disturbed and blocked. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained;

- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the proposed shop and services was not qualified as recreational facilities under the Practice Note for Authorised Persons and Registered Structural Engineers (PNAP) No. 229 and was gross floor area accountable under the Buildings Ordinance. The applicant should submit relevant building plans to his Office for approval prior to commencement of the proposed works; and

- (e) note the Director of Food and Environmental Hygiene's comments that, if food business or entertainment facilities was to be provided in the proposed shop and services, the proposed food business and entertainment facilities should be covered by appropriate licences issued by his Office. In this connection, the Food Business Regulation made under section 56 of Public Health and Municipal Services Ordinance (Cap. 132) and Places of Public Entertainment (Cap. 172) were relevant. The operation of the proposed premises should not cause any environmental nuisance to the surrounding. The refuse generated by the proposed premises were regarded as trade refuse. The management or owner of the site was responsible for its removal and disposal at their expenses.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/358 Temporary Public Car Park
(Excluding Lorries and Container Tractors/Trailers)
for a Period of 3 Years in "Village Type Development" zone,
Lots 680 (Part) and 682 (Part) in D.D. 99
and Lots 3081 (Part) and 3082 (Part) in D.D. 102,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/358)

Presentation and Question Sessions

98. 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 car park (excluding lorries and container tractors/trailers) for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) would tolerate the applied use if the site was used for parking of private cars only as there were sensitive receivers in close proximity to the site;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated based on the assessment made in paragraph 12 of the Paper. Although the temporary public car park was not in line with the planning intention of the “Village Type Development” (“V”) zone, it could satisfy some of the local parking demand arising from the local villagers in San Tin area. Moreover, in view of its proximity to the cross-boundary link in Lok Ma Chau, the development would be able to serve the demand for cross-boundary car parking facilities. Although there were six applications for Small House development, these applications were under screening stage by the Lands Department and would unlikely be approved within three years. Hence, approval of the temporary use would not frustrate the long-term planning intention of the subject “V” zone. The temporary public car park was considered not incompatible with the surrounding land uses comprising mainly vehicle parks (including container vehicle parks) and open storage yards. Approval conditions restricting the types of vehicles and activities on-site were recommended to address the environmental concerns nearby. There were two similar applications within the same “V” zone approved by the Committee in 2008.

99. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years up to 27.2.2012, 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, vehicle repair workshop and canteen were allowed on the site at any time during the planning approval period;
- (d) the existing fencing on the site should be maintained at all times during the planning approval period;
- (e) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/289 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2009;
- (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 27.8.2009;
- (i) in relation to (h) above, the provision of fire service installations proposed

within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2009;

- (j) 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;
- (k) if any of the above planning conditions (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.

101. 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) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the lots 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. Short Term Waiver (STW) Nos. 2974 and 2975 were approved to Lots 680 and 682 in D.D. 99 respectively permitting structures for the use of office ancillary to public car park (excluding lorries and container tractors or trailers). STW No. 2975 permitted structures with built-over area (BOA) not exceeding 20m² and height not exceeding 3.5m. STW No. 2974 permitted structures with BOA not exceeding 45m² and height not exceeding 3.5m. His Office reserved the right to take

enforcement action under respective STW or lease if there was any breach of the pertaining conditions;

- (d) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant should not disturb any of the existing drains and streams in its vicinity. No public stormwater drainage/sewerage maintained by his Office was currently available for connection. The area was likely being served by some of the existing local village drains which were probably maintained by the District Officer (Yuen Long). If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. The applicant should review his drainage proposal/works confining the development within the application site in order not to cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure unobstructed discharge from the site in future. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost;
- (e) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that parking of vehicles within 1m around the existing tree trunks should be avoided to prevent damage to the trunk and branches;
- (f) follow the 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;
- (g) note the 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 BO or other enactment might be taken if contravention was found. Use of container as offices were considered as temporary buildings and were subject to control under the Building (Planning) Regulation (B(P)R) Part VII. 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 B(P)R 19(3) at the building plan submission stage. B(P)R 41D regarding the provision of emergency vehicular access was applicable;

- (h) note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSI should be clearly marked on the layout plans; 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 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.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/359 Temporary Retail Shop for Vehicle Parts and Accessories
with Ancillary Facilities for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 16 S.B RP (Part), 47 (Part), 170 RP, 174 S.C RP (Part) in D.D. 105
and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/359)

Presentation and Question Sessions

102. The Committee noted that the applicant requested on 10.2.2009 for a deferment of the consideration of the application to allow time for preparing further supplementary information to support the application.

Deliberation Session

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

Remarks

104. The Chairperson said that the remaining item in the Agenda would not be open for public viewing as it was in respect of an application submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

Agenda Item 24

Section 16 Application

[Closed Meeting]

Agenda Item 25

Any Other Business

108. There being no other business, the meeting was closed at 5:40 p.m..