

TOWN PLANNING BOARD

Minutes of 394th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.5.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C.W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

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

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

Professor David Dudgeon

Mr. Edmund K.H. Leung

Professor Paul K.S. Lam

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
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 393rd RNTPC Meeting held on 17.4.2009

[Open Meeting]

1. The draft minutes of the 393rd RNTPC meeting held on 17.4.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Proposed Amendments to the Approved Ping Che and Ta Kwu Ling Outline Zoning Plan No. S/NE-TKL/12

2. The Secretary reported that subsequent to RNTPC's agreement to the proposed amendments to the approved Ping Che and Ta Kwu Ling Outline Zoning Plan on 17.4.2009, upon further vetting, the following minor inconsistencies in the Notes had been rectified:

- (i) To be in line with the normal practice, Remarks (b) of the Notes for "Government, Institution or Community (1)" ("G/IC(1)") zone had been revised to clearly specify that the ancillary uses and facilities as listed could also be exempted from site coverage calculation. Moreover, the wordings in Remarks (c) and (d) of the Notes for "G/IC(1)" zone had also been refined; and
- (ii) Remarks (a) of the Notes for "Residential (Group C)" zone had been revised to change the wording of the building height (BH) restriction from '10.6m above mean formation level' to '10.6m above mean site formation level' in order to be consistent with the wording of BH restriction in the new set of Notes for the "Government, Institution or Community (1)" zone.

3. The Secretary reported that the above amendments had been incorporated into the revised Notes and the relevant extracts were tabled at the meeting for Members' reference.

The proposed amendments to the OZP would be gazetted on 15.5.2009 under s.5 of the Town Planning Ordinance (the Ordinance).

(b) Approval of Draft Plans

4. The Secretary reported that on 5.5.2009, the Chief Executive in Council (CE in C) approved the following draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Ordinance and approval of the OZPs would be notified in the Gazette on 15.5.2009:

- (i) Wang Tau Hom and Tung Tau OZP (to be renumbered as S/K8/19);
- (ii) Hung Hom OZP (to be renumbered as S/K9/22); and
- (iii) Ho Man Tin OZP (to be renumbered as S/K7/20).

(c) Reference Back of Approved Plans

5. The Secretary reported that on 5.5.2009, the CE in C referred the following approved OZPs to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs would be notified in the Gazette on 15.5.2009:

- (i) Chek Lap Kok OZP No. S/I-CLK/10;
- (ii) Sai Ying Pun and Sheung Wan OZP No. S/H3/22; and
- (iii) South West Kowloon OZP No. S/K20/22.

Sha Tin, Tai Po and North District

Agenda Item 3

[Closed Meeting]

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

Agenda Item 4

Section 12A Application

[Open Meeting]

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

7. The Secretary reported that the application was submitted by 2 subsidiaries of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared an interest in the item as they had current business dealings with SHK. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Yap and Mr. Cheng could be allowed to stay at the meeting.

8. The Committee noted that on 6.3.2009, the applicant’s agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to defer making a decision on the application for a period of 2 months in order to allow sufficient time to review the latest zoning amendments on the draft Sham Chung Outline Zoning Plan, and to investigate the associated implications on the application, as well as to prepare responses to the outstanding departmental comments on the application.

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

be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/92 Proposed Temporary Production and Stockpile of Mulch and Compost
for a Period of 3 Years
in “Green Belt” zone,
Government Land in Kong Nga Po,
Fu Tei Au
(RNTPC Paper No. A/NE-FTA/92)

10. The Secretary reported that the application was submitted by Highways Department. Dr. James C.W. Lau had declared an interest in the item as he had current business dealings with Hyder Consulting Ltd., who was a member of the consultancy team for the applicant. Dr. Lau left the meeting temporarily for this item.

Presentation and Question Sessions

11. Mr. W.K. Hui, District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the proposed temporary production and stockpile of mulch and compost for a period of 3 years;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;

- (d) 1 public comment stating “no comment” on the application was received during the statutory publication period and no local objection was received from the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed development generally complied with the Town Planning Board Guidelines No. 10 in that there would not be extensive clearance of existing natural vegetation and it would not adversely affect slope stability. The surrounding areas were mainly platforms of the exhausted Kong Nga Po borrow area and natural hillslopes; and there was no sensitive use in the vicinity of the application site. The proposed development was not incompatible with the surrounding land uses; no tree felling would be required and that mulch and compost could be beneficial to soil fertility and significant adverse landscape impact on the surrounding area was not anticipated. Although the application site fell within the study area of the “Land Use Planning for the Closed Area – Feasibility Study” and in Kong Nga Po where a low-density residential development was being considered, Chief Town Planner/Studies and Research, PlanD had no objection to the application and considered that a temporary approval for 3 years would not frustrate the implementation of the land use recommendations of the Study. The applicant would be advised to undertake environmental measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department and to comply with the relevant technical memorandum to address relevant departments’ technical concerns and appropriate approval conditions were recommended.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as

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

- (a) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;
- (b) in relation to (a) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2010;
- (c) the submission of proposals of water supplies for fire fighting and 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 8.11.2009;
- (d) in relation to (c) above, the provision of water supplies 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 8.2.2010;
- (e) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (f) in relation to (e) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2010;
and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.

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

- (a) to note the comments of the District Lands Officer/North, Lands Department that :

the applicant should be reminded to apply to his office for temporary Government land allocation (TGLA) of the site. Granting of TGLA to the applicant was subject to no adverse departmental comments and no local objection to the application was received. Besides, the TGLA might include the said adjoining slopes and the existing haul road which might become under the maintenance of the applicant;

- (b) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals were :

- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
- (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and Fire Services Department (FSD) Circular Letter 5/2008;
- (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device should be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
- (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30 m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;

- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
 - (vi) sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans;
- (c) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comment :
- (i) no discharge of effluent within the gathering grounds was allowed without prior approval from WSD. Any effluent discharge should comply with the Technical Memorandum on Standards for Effluent Discharge into Drainage and Sewerage Systems, Inland and Coastal Waters;
 - (ii) all wastes, sludge and pollutants arising from any activity or work on the application site should be disposed of properly outside the gathering grounds;
 - (iii) all spoils arising from site formation and building works should be contained and protected to prevent all nearby watercourses from being polluted or silting up;
 - (iv) for provision of water supply to the application site, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services

within the private lots to WSD's standards; and

- (v) the applicant should make his own system to provide adequate pressure and flow for fire-fighting purpose;
- (d) to note the Chief Town Planner/Urban Design and Landscape Unit, Planning Department's advice that the mulch/compost should not be piled up around the existing trees;
- (e) to note the Director of Agriculture, Fisheries and Conservation's advice that the issues of possible contamination, odour, termites and compost fire which might arise from the composting activities should be addressed; and
- (f) follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

[Dr. James C.W. Lau returned while Mr. Tony C.N. Kan arrived to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/133 Temporary Lorry and Container Trailer Park
with Ancillary Vehicle Repair Workshop for a Period of 3 Years
in "Agriculture" zone and an area shown as "Road",
Lots No. 879 S.A RP, 879 S.B RP (Part) and 880 S.C RP in D.D. 92
and Adjoining Government Land,
Kwu Tung North,
Sheung Shui
(RNTPC Paper No. A/NE-KTN/133)

Presentation and Question Sessions

15. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary lorry and container trailer park with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. Nonetheless, there was no environmental complaint regarding the site in the past 5 years. Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application in view of the high agricultural rehabilitation potential of the site. As the site fell within the proposed Kwu Tung North New Development Area under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) scheduled for completion in end 2010, and the site formation works for development were tentatively scheduled to commence in 2014, Director of Civil Engineering and Development (DCED) suggested that the effective period of permission for the application should be granted to a date not later than year 2013 in order not to prejudice the NDAs development;
- (d) 3 public comments were received during the statutory publication period, 2 of them were against the application on traffic and environmental grounds while the third one had “no comment” on the application. Local objection was received by the District Officer (North) from the Chairman of Sheung Shui District Rural Committee and the concerned North District Council member on traffic and environmental grounds similar to the 2 public comments; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The use under application was considered in line with the Town Planning Board Guidelines (TPB PG-No.) 13E in that the application site was subject of 6 previous planning approvals for the same use and the applicant had demonstrated genuine effort in complying all approval conditions of the previous three planning approvals. There had been no change in the planning considerations since the last approval. A temporary 3 years approval would not pose a constraint to the Kwu Tung North NDA development and would not frustrate the long-term planning and development of the area. The application was not incompatible with the surrounding land uses. Although DEP did not support the application, no environmental complaint had been received regarding the site in the past 5 years. The applicant would be advised to undertake environmental mitigation measures to address the environmental concern. Regarding DAFC's view, the site had already been formed and used for the lorry and container trailer park for a long time under the previous planning approvals. Based on the above, sympathetic consideration could be given to the application. As for the public comments and local objections on traffic congestion on Castle Peak Road – Kwu Tung Section, Assistant Commissioner for Transport/New Territories, Transport Department had no objection to the application.

16. Members had no question on the application.

Deliberation Session

17. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the vehicular access, parking and loading/unloading arrangement within the application site should be maintained during the approval period;

- (b) the existing drainage facilities on the application site should be properly maintained during the approval period;
- (c) the submission of proposals for water supplies for fire fighting and 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 8.11.2009;
- (d) in relation to (c) above, the provision of water supplies 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 8.2.2010;
- (e) the submission of photographic records showing the U-channel after clearance of the debris within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;
- (f) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (g) in relation to (f) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2010;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

18. The Committee also agreed to advise the applicant of the following :
- (a) prior planning permission should have been obtained before commencing the development on site;
 - (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :
 - (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
 - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to B(P)R 41(D) regarding the provision of emergency vehicular access to the development under application;
 - (iii) the granting of planning permission should not be construed as condoning 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; and
 - (iv) a temporary building permit for the two warehouses at the application site issued by the Building Authority had already expired. The applicant should enlist an Authorized Person to apply for renewal of the permit;
 - (c) to note the requirements of the Director of Fire Services that in the submission of proposals for fire service installations, the applicant should submit appropriate layout/section/elevation plans of the covered structures

of an appropriate scale with metric dimensions, including the usage and dimension (length, width, height, area and cubical extent) of each structure as well as the proposed fire service installations being marked on plans and stated in notes form;

- (d) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that :
 - (i) for provision of water supply to the application site, 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 standards; and
 - (ii) the application site was located within WSD flooding pumping gathering ground; and
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/134 Renewal of Planning Approval for Temporary Vehicle Repair Workshop (including Container Vehicle Repair Yard) for a Period of 3 Years under Application No. A/NE-KTN/117 in “Industrial (Group D)” zone, Lots No. 759 S.A, 759 RP (Part), 761 S.A, 761 S.C (Part), 762 S.A, and 762 S.C in D.D. 95 and Adjoining Government Land, Shek Tsai Leng, Kwu Tung North
(RNTPC Paper No. A/NE-KTN/134)

Presentation and Question Sessions

19. Mr. W.K. Hui, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), 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 vehicle repair workshop (including container vehicle repair yard) for a period of 3 years under Application No. A/NE-KTN/117;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site. Nonetheless, there was no environmental complaint regarding the site in the past 5 years. As the site fell within the proposed Kwu Tung North New Development Area under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) scheduled for completion in end 2010, and site formation works for development were tentatively scheduled to commence

in 2014, Project Manager/New Territories North, Civil Engineering and Development Department (PM/NTN, CEDD) suggested that the effective period of permission for the application should be granted to a date not later than year 2013 in order not to prejudice the NDAs development;

- (d) 2 public comments were received during the statutory publication period. One of them was against the application on traffic ground and the other one had “no comment” on the application. Local objection was received by the District Officer (North) from the Chairman of Sheung Shui District Rural Committee and the concerned North District Council member on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application was for renewal of the planning permission (Application No. A/NE-KTN/117) approved on 19.5.2006 for the same use by the same applicant. There was no change in planning circumstances since the latest approval with all approval conditions complied with. The development was unlikely to cause any significant adverse impacts on traffic, drainage and landscape aspects. The use under application was generally considered in line with the planning intention of the “Industrial (Group D)” zone and it was not incompatible with the surrounding land uses. Although DEP did not support the application, no environmental complaint in relation to the site had been received by DEP in the past 5 years. The applicant would be advised to undertake relevant environmental mitigation measures set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to alleviate any potential environmental impacts. A temporary 3 years approval would not pose a constraint to the Kwu Tung North NDA development and would not frustrate the long-term planning of the area. As for the public comment and local objections on traffic congestion on Castle Peak Road – Kwu Tung Section, Assistant Commissioner for Transport/New Territories, Transport Department had no objection to the application.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing drainage facilities on the application site should be maintained during the planning approval period;
- (b) all existing trees within the application site should be maintained during the planning approval period;
- (c) the submission of proposals of water supplies for fire fighting and 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 8.11.2009;
- (d) in relation to (c) above, the provision of water supplies 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 8.2.2010;
- (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; and
- (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.

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

- (a) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that :
- (i) formal submission by an authorized person for the proposed development was required under the Buildings Ordinance (BO) and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to B(P)R 41D regarding the provision of emergency vehicular access to the development under application;
 - (ii) use of containers as office was considered temporary buildings and was subject to control under the B(P)R Part VII; and
 - (iii) the granting of planning permission should not be construed as condoning 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.
- (b) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals were :
- (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and Fire Services Department (FSD) Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building

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

- (iv) a modified hose reel system supplied by a 2m³ FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30 m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;
 - (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
 - (vi) sprinkler system should be provided to the entire building in accordance with BS EN 12845: 2003 and FSD Circular Letter 3/2006. The classification of occupancies and capacity of sprinkler tank should be clearly stated. The sprinkler tank, sprinkler pump room, sprinkler inlet, sprinkler control valve group should be clearly marked on plans; and
- (c) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/273 Proposed Barbecue and Shrimp Fishing Area
for a Period of 3 Years
in “Recreation” zone,
Lots No. 961RP and 962 in D.D. 92 and Adjoining Government Land,
Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/273)

Presentation and Question Sessions

23. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed barbecue and shrimp fishing area for a period of 3 years;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) 1 public comment indicating “no comment” was received during the statutory publication period. Local objection was received by the District Officer (North) from the Chairman of Sheung Shui District Rural Committee on traffic and environmental grounds; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed temporary barbecue and shrimp fishing area was considered not incompatible with the surrounding areas. The proposed use would contribute to reinstate the disturbed area back to its original status and

enhance the rural setting of the area. The proposed development would not cause significant adverse traffic, drainage, sewage, landscape and hygiene impacts to the surrounding areas. On the local objection on traffic and environmental grounds, Assistant Commissioner for Transport /New Territories and Commissioner of Police had no adverse comment on or no objection to the application in view of the revised parking and loading/unloading provisions. The applicant would be advised to follow the relevant mitigation measures set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to address the environmental concern. Relevant approval conditions had been imposed to address relevant technical concerns so as to properly monitor the operation of the temporary barbecue and shrimp fishing area.

[Mr. David W.M. Chan arrived to join the meeting at this point.]

24. A Member enquired if the proposed shrimp fishing pond was previously a pond that was subsequently dried. In response, Mr. W.K. Hui referred Members to paragraphs 1.2 and 5.1 of the Paper and explained that the applicant had previously proposed to fill the pond area for plant nursery under a previous planning application (No. A/NE-KTS/186) which was rejected on review by the Town Planning Board. The current application was to convert the dried fish pond at the application site for shrimp fishing pond. Chief Town Planner/Urban Design and Landscape, Planning Department considered that the current proposal could be supported as it helped to retrieve the lost landscape feature (the pond) and reinstate the dried fish pond to its original condition.

Deliberation Session

25. Members agreed that the current proposal could be supported as it would help reinstate the water body and enhance the rural setting of the area.

26. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. to 7:00 a.m. should be carried out at the site during the planning approval period;
- (b) the provision of car parking and loading/unloading facilities within 9 months from the date of planning approval to the satisfaction of the Assistant Commissioner for Transport/New Territories or of the TPB by 8.2.2010;
- (c) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;
- (d) in relation to (c) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2010;
- (e) the submission of water supplies 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 8.11.2009;
- (f) in relation to (e) above, the provision of water supplies 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 8.2.2010;
- (g) the submission of landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (h) in relation to (g) above, the implementation of landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2010;

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

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

- (a) to resolve any land issue relating to the development with the concerned owners of the application site;
- (b) the owners of the lots concerned should apply to the District Lands Officer/North, Lands Department for a short term waiver and a short term tenancy for the proposed development;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that :
 - (i) the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and
 - (ii) formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the

site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulation (B(P)R) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;

- (d) to follow the environmental mitigation measures as recommended in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that there was no public storm and foul drainage connection available in the area, and the Director of Environmental Protection should be consulted regarding the discharges from the toilet;
- (f) to note the following recommendations regarding the fire service installations proposal :
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and Fire Services Department (FSD) Circular Letter 1/2002. One actuation point and one audio warning device to be located at each hose reel point. This actuation point should include facilities for fire pump start and audio/visual warning device initiation;
 - (iv) a modified hose reel system supplied by a 2m³ FS water tank should

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

- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans;

- (g) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that the application site was located within the flood pumping gathering grounds. For provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (h) to note the Director of Food and Environmental Hygiene (DFEH)'s comment if the proposed activities at the application site involve any food business as defined under Food Business Regulations, Chapter 132, the applicant should apply to DFEH for the respective food business license/permits and start the business only upon issue of such licences/permits; and

- (i) to note the Director of Agriculture, Fisheries and Conservation's comment that the applicant should take preventative measures to avoid causing disturbance to the surrounding fish ponds as well as to ensure public safety.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/53 Proposed Social Welfare Facility (Drug Rehabilitation Centre)
 in “Green Belt” zone,
 Government Land in D.D. 81,
 Wo Hang,
 Sha Tau Kok Road,
 Luk Keng
 (RNTPC Paper No. A/NE-LK/53A)

Presentation and Question Sessions

28. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed social welfare facility (drug rehabilitation centre);
- (c) departmental comments – the Commissioner for Narcotics (C for N) and Director of Social Welfare (DSW) had given support to the application. While there were some technical concerns on the vehicular access and parking arrangement and environmental aspects from the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) and the Director of Environmental Protection (DEP), they had no objection to the application;
- (d) 7 public comment were received during the statutory publication period. One was from the Sha Tau Kok Commerce Association who raised strong objection to the application on traffic ground and contradiction to the local will, while the others raised objection on grounds of land use incompatibility, inadequate consultation and fung shui reason. Local

objection was received by the District Officer (North) from the concerned North District Council member and Village Representatives on traffic and land use compatibility grounds; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed drug rehabilitation centre was intended for reprovisioning of an existing facilities at Shek Wu Wai San Tsuen to comply with the new licensing requirement and had the full support from the C for N and DSW. The application site was identified after extensive site search of potential sites in various districts which was considered generally feasible for such development. The proposed development was generally in compliance with the Town Planning Board Guidelines for Application for Development within “GB” zone as there was no mature trees on site. It would neither involve extensive clearance of existing natural vegetation nor significantly affect the existing natural landscape and unlikely have significant adverse landscape, drainage and traffic impacts on the surrounding areas. On the local concerns and objections on landuse compatibility, traffic and environmental grounds, concerned departments had no objection to the application on these aspects.

29. Members had no question on the application.

Deliberation Session

30. 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 8.5.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of noise and air mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;

- (b) the submission and implementation of sewage disposal proposal to satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission and implementation of proposals for vehicular access, parking and loading/unloading arrangements to the satisfaction of the Commissioner for Transport or of the TPB; and
- (f) the submission and implementation of drainage proposals to satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the applicant should make geotechnical submissions covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed development to the Buildings Authority for approval as required under the provisions of the Buildings Ordinance (BO);
- (b) to note the comments of the Director of Buildings that :
 - (i) any unauthorized structures on site, which were liable to action under section 24 of the BO should be removed;
 - (ii) the development intensity should not exceed the permissible as stipulated under the First Schedule of the Building (Planning) Regulations (B(P)R). If the site did not abut a street of not less than 4.5m wide, then the development intensity should be determined by the Building Authority;

- (iii) the provision of Emergency Vehicular Access under the B(P)R 41D;
and
 - (iv) formal submission by an authorized person for the proposed development was required under the BO;
- (c) to note Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments :
- (i) for provision of water supply to the development, the applicant might need to extend his inside services to the nearest Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; part of the application site encroached into his temporary land allocation of his contract no. 5/WSD/06 which was scheduled to be completed on 2011;
 - (ii) to note that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations; and
- (d) to liaise with the local villagers to address their concerns.

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/57 Proposed 4 Houses (New Territories Exempted House - Small Houses)
in “Agriculture” zone,
Lot No. 327RP in D.D. 37,
Man Uk Pin,
Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/57)

A/NE-MUP/58 Proposed 2 Houses (New Territories Exempted Houses - Small Houses)
in “Agriculture” zone,
Lot No. 327RP in D.D. 37,
Man Uk Pin,
Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/58)

32. Nothing that the two applications were similar in nature and the application sites were within the same lot, Members agreed that the two applications could be considered together.

Presentation and Question Sessions

33. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed 6 Houses (New Territories Exempted Houses (NTEHs) – Small Houses) at the application sites;
- (c) departmental comments – Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application in view of the high

potential for agricultural rehabilitation of the application site and its proximity to the Man Uk Pin Stream in which the immediate upstream section was listed as an Ecological Important Stream (EIS). Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on NTEH development outside the “Village Type Development” (“V”) zone. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) considered that there might be construction interface if the building works commenced before DSD’s drainage improvement works (to be completed in mid-2011) to the stream course at the northeast periphery of the application site. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application which would undermine the intactness of the “Agriculture” (“AGR”) zone and its rural landscape;

- (d) 22 public comments were received from the locals, Kadoorie Farm & Botanical Garden Corporation and others during the statutory publication period for the 2 applications. 16 of them were on No. A/NE-MUP/57 and 6 were on No. A/NE-MUP/58 as detailed in Appendix V of the Paper. They raised concern on traffic, possible overflow or leakage of sewage to the ecologically sensitive Man Uk Pin Stream, drainage concern and loss of agricultural land. No local objection was received by the District Officer (North); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Paper. The proposed NTEH developments complied with the interim criteria for assessing planning application for NTEH/Small House development in that the proposed footprint fell entirely within the village ‘environs’ of a recognized village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of the village. The proposed development was generally compatible with the surrounding land uses and the application site was in close proximity with the village proper of Man Uk Pin. Hence, sympathetic consideration could be given. On the public concerns on possible sewerage leakage, nature conservation,

traffic and agricultural development grounds and DAFC's concern that the site was close to an EIS, EPD confirmed that no sewage leakage incident had been reported and he had no in-principle objection to the applications. On the concern of the high agricultural rehabilitation potential of the site, a similar application for small house development to the west of the site and 30m from the stream (Application No. A/NE-MUP/56) was previously approved on 18.7.2008. Existing village houses were also found to the northeast of the site within "AGR" zone and to its east across the Man Uk Pin Stream within the "V" zone which were close to the stream. The applicant would be advised to strictly confine the construction works within the site and to adopt appropriate measures to avoid disturbance to the adjoining stream.

34. A Member said that judging from Plan A-2a of the Paper, it appeared that the existing "V" zone still had ample space for small house development and the need to build small houses outside the "V" zone seemed not justified. In response, Mr. W.K. Hui referred Members to the information on small house demand for Man Uk Pin Village provided by Lands Department (LandsD) in Appendix IV of the Paper. Mr. Hui said that according to the information provided by LandsD, it was estimated that about 3.19 ha (or equivalent to 95 Small House sites) of land were available within the "V" zone of the Man Uk Pin Village whereas the 10-year small house demand forecast for the Village was 250. Therefore, the land available could not meet the small house demand.

35. The same Member had reservation on the small house demand for the Village and enquired the existing population of the Village. Mr. Hui said that information on the existing population for the Village was not in hand. He referred Members to the 10-year small house demand forecast in 2008 for the Village taken for consideration of the previous application (No. A/NE-MUP/56) which was only in the order of 100. In response, Mr. Simon Yu advised that LandsD would verify the significant change in the demand forecast.

36. Another Member opined that the significant increase in the small house demand forecast could be attributable to overseas eligible villagers who registered their claim in view of the increased development potential near the border area.

Deliberation Session

37. The Chairperson said that the case should be deferred pending LandsD's clarification of the small house demand forecast.

38. After deliberation, the Committee decided to defer a decision on the two applications pending clarification of the 10-year small house forecast demand for Man Uk Pin Village by Lands Department (LandsD). The Committee also agreed that the application should be submitted to the Committee for consideration as soon as the clarified information was available.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/315 Temporary Open Storage of Construction Equipment
for a Period of 3 Years
in "Agriculture" zone,
Lots No. 1344 (Part) and 1345 (Part) in D.D. 82,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/315)

Presentation and Question Sessions

39. Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction equipment for a period of 3 years;
- (c) departmental comments – Director of Agriculture, Fisheries and

Conservation (DAFC) was not in favour of the application from an agricultural development point of view. Chief Engineer/Drainage Projects, Drainage Services Department (CE/DP, DSD) objected to the application for a period of three years up to January 2012 as the western part of the application site would partially encroach onto the proposed works limit of the public works project “Drainage Improvement in Northern New Territories – Package C (Remaining Works) PWP Item No. 119CD” scheduled to commence in early 2011. As the site fell within the proposed Ping Che/Ta Kwu Ling New Development Area under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) scheduled for completion in end 2010, and site formation works were tentatively scheduled to commence in 2014, Project Manager/New Territories North, Civil Engineering and Development Department (PM/NTN, CEDD) suggested that the effective period of permission for the application should be granted to a date not later than year 2013 in order not to prejudice the NDAs development;

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

- (d) 2 public comments were received during the statutory publication period. The first one stated “no comment” while the second one from the Village Representative of Li Uk Village supported the application. Local support was received by the District Officer (North) from the Resident Representative of Lei Uk; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application complied with TPB Guidelines No. 13E. The application site was the subject of three previous similar applications approved by the Town Planning Board. There was no change in planning circumstances since approval of the previous applications. The subject use would not cause any adverse impact on the surroundings.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m. was allowed on the 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) the stacking height of the materials stored within five metres of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (d) the peripheral fencing and paving of the application site should be maintained during the planning approval period;
- (e) the setting back of the site boundary to avoid encroachment on the resumption boundary of Project PWP Item No. 119CD - Drainage Improvement in Northern New Territories – Package C (Remaining Works) as and when required by the Drainage Services Department;
- (f) the submission of photographic records of the implemented vehicular access, parking and loading/unloading spaces within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 8.11.2009;
- (g) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;

- (h) in relation to (g) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2010;
- (i) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (j) in relation to (i) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2010;
- (k) the submission of proposals on water supplies for fire-fighting and fire services installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;
- (l) in relation to (k) above, the provision of water supplies for fire-fighting and fire services installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2010;
- (m) 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;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) planning permission should have been renewed before continuing the applied development at the application site;
- (b) to resolve any land issue relating to the development with the concerned owners of the application site;
- (c) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver for the regularization of structures erected on the application site;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that 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 unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (e) follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection in order to minimize any possible environmental nuisances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/61 Proposed Comprehensive Residential and Recreational Development
Including Government, Institution or Community Facilities
in “Comprehensive Development Area” zone,
Various Lots in D.D. 165, 167, 207 and 218
and Adjoining Government Land,
Sai Sha,
Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/61)

43. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared an interest in the item as they had current business dealings with SHK. Mr. Yap and Mr. Cheng left the meeting temporarily for this item.

Presentation and Question Sessions

44. Ms. Lisa L.S. Cheng, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application as detailed in paragraph 5 of the Paper. The current application was exactly the same as application No. A/NE-SSH/26-1 (Class B amendments to application No. A/NE-SSH/26) approved on 10.8.2007. The original “parent” scheme was approved under application No. A/NE-SSH/26 by the Committee on 24.10.2003 and the planning approval for the “parent scheme” had lapsed on 24.10.2007. The development parameters of the current application were all in line with the development restrictions stipulated under the current approved Shap Sz Heung Outline Zoning Plan (OZP) No. S/NE-SSH/9 and were identical to those under the approved application No. A/NE-SSH/26-1. Under the

Town Planning Ordinance, amendments could only be made to a “parent” scheme. As the original “parent” scheme approved under application No. A/NE-SSH/26 had lapsed, a new “parent” scheme was needed for subsequent applications for amendments in the course of refinement of the scheme. The current application was therefore technical in nature;

- (b) the proposed comprehensive residential and recreational development including Government, Institution or Community (GIC) facilities;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period. Local objection was received by the District Officer (Tai Po) from the Sai Kung North Rural Committee (SKNRC) requesting the applicant to provide a briefing on the proposed development; 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. As the original “parent” scheme approved under application No. A/NE-SSH/26 had lapsed, a new “parent” scheme was needed in the course of refinement of the scheme. The development parameters of the current application conformed with the development restrictions under the current OZP and identical to those under the approved application No. A/NE-SSH/26-1. The purpose of the current application was solely to “create a parent scheme” such that subsequent applications could be made for Class A/B amendments. Since there was no change in planning circumstances; the application was technical in nature and concerned Government departments had no objection / no adverse comment on the application, sympathetic consideration could be given in approving the application. As regards the objection and request raised by the SKNRC, the development parameters of the current scheme were identical to the previously approved application and it would unlikely lead to any additional impacts. An advisory clause was imposed requesting the

applicant to brief the SKNRC and the concerned village representatives on the proposed development.

45. Members had no question on the application.

Deliberation Session

46. 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 8.5.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the conditions (b), (c), (j), (m), (p), (r), (u) and (w) below, to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan including a tree survey and a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of the eco-trail proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the implementation of mitigation measures identified in the agreed hazard assessment under the application to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a planning study and an action plan for the approval of the Co-ordinating Committee of Land-use Planning and Control relating to Potentially Hazardous Installations (CCPHI), as proposed by the applicant, and no occupation of residential development prior to the approval of the CCPHI;

- (f) the submission of an environmental assessment on the widening of Sai Sha Road and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the submission and implementation of mitigation measures against water pollution to the satisfaction of the Director of Environmental Protection or of the TPB;
- (h) the submission of an ecological impact assessment taking into account the revised MLP, to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB ;
- (i) the implementation of the modification of the Cheung Muk Tau roundabout, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the provision of public car park of not less than 160 car parking spaces, 20 coach parking spaces and public transport facilities in the adjoining “Government, Institution or Community” zone to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) no occupation of the residential development, except for 124 dwelling units prior to the opening of Route T7, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) no occupation of the residential development, except for 600 dwelling units (including 124 dwelling units mentioned in condition (k) above) prior to the completion of the Sai Sha Road widening project, subject to the implementation of traffic improvement measures recommended in the traffic impact assessment to the satisfaction of the Commissioner for Transport or of the TPB;

- (m) the design and implementation of improvement works on the vehicular access road network for the proposed development and the adjoining villages, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the diversion of water mains to be affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (o) the submission of a water demand assessment and the implementation of upgrading works identified therein, as proposed by the applicant, to the satisfaction of the Director of Water Supplies or of the TPB;
- (p) the submission of a natural terrain hazard assessment and the implementation of the mitigation measures identified therein, as proposed by the applicant, to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (q) the provision of a kindergarten/nursery to the satisfaction of the Secretary for Education or of the TPB;
- (r) the provision of no less than 8,000m² of public open space facilities in the “Open Space” and “Comprehensive Development Area” zones near Tseng Tau Village, and the management of this open space which should be kept open daily for public use, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (s) the submission of a detailed maintenance and management plan for the proposed golf course and the implementation of the proposals made therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (t) the operation of the proposed golf course should be subject to a renewable short-term permission for a period of not more than one year to the satisfaction of the Director of Environmental Protection or of the TPB;

- (u) the provision of fire fighting access, water supplies for fire fighting and fire services installations to the satisfaction of the Director of Fire Services or of the TPB;
- (v) the surrender of private lots of no less than 6,388m² located at the “Government, Institution or Community” site near Che Ha Village, at nil cost as proposed by the applicant, upon the demand of the Government to the satisfaction of the Director of Lands or of the TPB;
- (w) the submission of an implementation programme, with phasing proposals to tie in with the completion of both major infrastructural facilities serving the proposed development and the traffic improvement measures, to the satisfaction of the Director of Planning or of the TPB; and
- (x) the submission of a drainage impact assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) the approved MLP, together with a set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the costs of any necessary diversion of the existing water mains affected by the development were to be borne by the development project;
- (c) the costs of any additional waterworks installations required to facilitate the water supply to the development were to be borne by the development project;

- (d) noise barriers should be presented to Advisory Committee on the Appearance of Bridges and Associated Structures;
- (e) visual permeability on high fence wall was important, i.e. the North Plain, an area of natural beauty, should not be 'walled off', even from the road. Lease control would be maintained over this aspect;
- (f) historical buildings were identified in areas close to the proposed development, including Tai Tung Wo Liu, Che Ha, Tseng Tau, Kwun Hang, Nai Chung and Ma Kwu Lam. Also, several shrines were located in close vicinity to the proposed development including Che Ha, Tseng Tau, Ma Kwu Lam and Nga Yiu Tau. No disturbance should be made to these historical buildings and shrines and the applicant should report to the Antiquities and Monuments Office if there was discovery of historic structures such as graves, shrines, stone tablets, boundary stones etc, in the course of site works;
- (g) the applicant should note the Director of Leisure and Cultural Services' comments in Appendix V of the Paper regarding the security and safety measures for the proposed golf course and golf driving range;
- (h) to noted the Chief Building Surveyor/New Territories West, Buildings Department's comments in paragraph 10.1.9 of the Paper; and
- (i) the applicant should brief the Sai Kung North Rural Committee and the concerned village representatives on the proposed development.

[Ms. Anna S. Y. Kwong left the meeting while Messrs. Alfred Donald Yap and Y. K. Cheng returned to join the meeting at this point.]

Agenda Items 14, 15, 16, 17, 18, 19 and 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/273 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" zone,
Lot No. 392 S.B in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/273)

A/NE-TK/274 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" zone,
Lot No. 390 RP and Adjoining Government Land in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/274)

A/NE-TK/275 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" and "Village Type Development" zones,
Lot No. 391 S.B and 392 RP in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/275)

A/NE-TK/276 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" and "Village Type Development" zones,
Lot No. 389 S.B in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/276)

A/NE-TK/277 Proposed House (New Territories Exempted House - Small House)
in "Green Belt" and "Village Type Development" zones,
Lot No. 387 S.A and 389 S.C in D.D. 28,
Lung Mei Village, Tai Po
(RNTPC Paper No. A/NE-TK/277)

A/NE-TK/278 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot No. 389 S.A in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/278)

A/NE-TK/279 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot No. 390 S.A in D.D. 28,
Lung Mei Village,
Tai Po
(RNTPC Paper No. A/NE-TK/279)

48. Noting the seven applications were similar in nature and the application sites were close to each other and within the same “Green Belt” zone, Members agreed that the applications could be considered together.

49. The Secretary reported that the World Wide Fund for Nature (WWF) Hong Kong had submitted comments on five applications, namely, Nos. A/NE-TK/273, A/NE-TK/274, A/NE-TK/275, A/NE-TK/276 and A/NE-TK/279. Professor David Dudgeon had declared an interest in these applications as he was a member of Mai Po Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for not attending the meeting.

50. Members agreed that the seven applications could be grouped according to their respective site characteristics in that the 3 applications located in close proximity to the slope and woodland were grouped under Group 1, and the 4 applications located closer to the existing village establishments were grouped under Group 2 as follows:

Group 1:

- Agenda Item 14 (Application No. A/NE-TK/273)
- Agenda Item 15 (Application No. A/NE-TK/274)

- Agenda Item 20 (Application No. A/NE-TK/279)

Group 2:

- Agenda Item 16 (Application No. A/NE-TK/275)
- Agenda Item 17 (Application No. A/NE-TK/276)
- Agenda Item 18 (Application No. A/NE-TK/277)
- Agenda Item 19 (Application No. A/NE-TK/278)

Presentation and Question Sessions

51. Ms. Lisa L.S. Cheng, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), presented the 2 groups of applications in sequence and covered the following aspects as detailed in the respective Papers :

Group 1:

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on small house application outside the “Village Type Development” (“V”) zone and cumulative adverse traffic impact. Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD objected to the application from landscape planning point of view as the sites were close to the edge of the existing woodland. Direct of Agriculture, Fisheries and Conservation (DAFC) had reservation on application Nos. A/NE-TK/273 and 274 and did not support application No. A/NE-TK/279 from nature conservation viewpoint. Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) required the applicant to submit a Geotechnical Planning Review Report (GPRR);

- (d) 1 public comment was received for each application during the statutory publication period from WWF against the application and raised concerns on the loss of woodland and adverse landscape and potential ecological impacts as well as the risk of natural terrain hazard. No local objection was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessment made in paragraph 12 of the Paper. Concerned departments had raised objection to the applications from nature conservation and landscape planning points of view. Approval of the applications would likely lead to piecemeal development and further encroachment onto the “Green Belt” (“GB”) jeopardizing the existing woodland and the high landscape quality of the Pat Sin Leng hillsides. The proposed NTEH/Small House developments did not comply with the Town Planning Board Guidelines (TPB PG-No.) 10 for development within “GB” zone as the sites were close to the edge of the dense woodland. H(GEO), CEDD advised that the applicants were required to undertake a natural terrain hazard study and the associated mitigation measures for slope stabilization, which would likely involve cutting of slopes and clearance of the natural vegetation that could cause adverse landscape impacts on the surrounding environment. There was insufficient information in the submission to demonstrate that the proposed development could address the landscape and geotechnical concerns. Approval of these applications would likely lead to further encroachment onto the “GB” zone and the cumulative impact of Small House development on the landscape of the hillsides would be significant. There were two similar applications (No. A/NE-TK/258 and 263) at sites close to the steep natural hillsides and the edge of the existing woodland and were rejected by the TPB on review in January 2009.

Group 2

- (a) background to the applications;

- (b) the proposed House (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – AC for T/NT, TD had reservation on small house application outside the “V” zone and cumulative adverse traffic impact. CTP/UD&L, PlanD had strong reservations on the applications from landscape planning point of view. DAFC had no objection to the applications. H(GEO), CEDD had no comment on the applications but advised that for application No. A/NE-TK/275 located below steep natural hillsides, the applicant was required to submit a GPRR. He also pointed out that the requirements of natural hazard terrain study and provision of mitigation measures, if found necessary, could incur significant cost implication and render the developments not economically viable;
- (d) 1 public comment was received during the statutory publication period from WWF against applications No. A/NE-TK/275 and A/NE-TK/276 raising concerns on the risk of natural terrain hazard. No adverse comment was received from the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 12 of the Paper. The proposed NTEH/Small House developments complied with the assessment criteria for NTEH/Small House development in that the application sites fell entirely within the ‘Village Environs’ (‘VE’) and there was a general shortage of land in meeting the demand for Small House development. The proposed Small Houses were not incompatible with the surrounding rural area with existing villages and they were not envisaged to have possible adverse impacts on the existing vegetation and the natural landscape of the surrounding environment as the sites were now bare land scattered with grasses. For application No. A/NE-TK/275, H(GEO), CEDD pointed out that as the site was near to the steep slope, a natural terrain hazard study and the associated mitigation measures for slope stabilization should be undertaken. A similar application (No. A/NE-TK/243) located further away from the slopes was previously

approved by the Committee in December 2007. The current applications No. A/NE-TK/275 to 278 were similar to application No. A/NE-TK/243 as they were located at a distance away from the hillside and the edge of the existing woodland.

52. A Member considered that as the recommendations for the two groups of applications were different, the applicants might accuse the Committee for disparity in treatment. This Member enquired whether there were any criteria in differentiating the two groups of applications, whether the applicants could seek small house developments in alternative locations, and how could the Town Planning Board (TPB)'s considerations on these applications be clearly conveyed to the applicants of the rejected applications.

53. With the aid of a comparison table, Mr. W.K. Hui explained that the planning assessment of the applications were based on the same set of criteria relating to the concerns on the landscape, geotechnical safety and nature conservation aspects. The 4 applications under Group 2, which were close to the existing village and on relatively flat land, could generally satisfy the three criteria according to the comments of CTP/UD&L, PlanD, H(GEO), CEDD and DAFC. The 3 applications under Group 1, which were close to the steep slope and the existing woodland, could not satisfy the three criteria according to CTP/UD&L, PlanD, and H(GEO), CEDD and DAFC's comments. PlanD therefore recommended approval for the applications under Group 2 and rejection for the applications under Group 1. Concerning the pursuit of small house applications at alternative locations, the application sites were owned by the respective applicants, who might envisage difficulty in searching of alternative sites for small house development. Moreover, the applicants would be notified of the Committee's decisions and they would be fully aware of the concerns pertaining to the respective applications. The applicants could consider to continue to pursue small house developments at the application sites by addressing the technical concerns such as the need for a natural terrain hazard study. However, the applicant might encounter difficulties in addressing the tree felling and geotechnical concerns. Mr. Hui also said that PlanD would endeavour to explain the relevant concerns to the respective applicants of the rejected applications in case of doubts.

54. In response to the enquiry by the Chairperson, Mr. Hui confirmed that in application No. A/NE-TK/243 approved by the Committee on 14.12.2007, a planning

condition requesting the applicant to submit a Geotechnical Planning Review Report (GPRR) had been imposed in the planning approval. PlanD's recommendation to impose a similar approval condition for the current application No. A/NE-TK/275 under Group 2, was in line with application No. A/NE-TK/243 which was at an adjoining site.

Deliberation Session

55. A Member considered that even if approval was granted for application No. A/NE-TK/275 under Group 2, the applicant might still encounter difficulties in implementing the small house scheme in view of the possible risk and cost for slope stabilization. Members considered that it would be the applicant's discretion whether to implement the small house development after obtaining planning approval. Members agreed to grant planning permission to the applications under Group 2 and not to support the applications under Group 1.

Group 1:

56. After further deliberation, the Committee decided to reject the three applications and the reasons were :

- (a) the application 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 it would likely involve site formation and slope stabilisation works resulting in clearance of natural vegetation and damage of the existing landscape of the surrounding area. There was insufficient information in the submission to demonstrate that the proposed development would not have any adverse landscape impacts on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.

Group 2:

57. After further deliberation, the Committee decided to approve the four applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 8.5.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB (for application No. A/NE-TK/275 only).

58. The Committee also agreed to advise the applicants of the following :

- (a) to consult the Director of Environmental Protection regarding the sewage treatment/disposal method for the proposed development;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the site was in an area where no existing public sewerage connection was available. There was no existing public stormwater drains available for connection in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as

overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (c) to note the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD)'s comments that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) to note the CE/Dev(2), WSD's comments that the proposed Small House would affect the existing water mains on the footpath accessible by the public. The applicant should allow the WSD and its contractor to carry out maintenance works to the existing water mains. If not, the applicant should bear the cost of the necessary diversion works affected by the proposed development (for application No. A/NE-TK/276 only);
- (e) to note the Head of Geotechnical Engineering Office (GEO), Civil Engineering and Development Department's comments that the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard as addressed in the GEO Advice Note (Appendix VI of the Paper), which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a natural terrain hazard study and mitigation measures, if found necessary, might have to be undertaken as part of the proposed development (for application No. A/NE-TK/275 only);
- (f) to note the Director of Electrical and Mechanical Services' comments in paragraph 8 of Appendix V of the Paper; and

- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 21

Section 16 Application

[Open Meeting]

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

59. The Committee noted that up to the present stage, there were still unresolved technical issues regarding the proposed development, and on 7.4.2009, the applicant’s agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to further defer consideration of the application for 2 months so as to allow sufficient time to deal with departmental concerns and comments.

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

be granted unless under very special circumstances.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/428 Proposed Six Houses and Minor Relaxation of
Building Height Restriction
in “Village Type Development” zone,
Lots No. 1217 S.A ss.2 RP, 1217 S.A ss.3 RP, 1217 S.C RP,
1217 S.C ss.1 (Part), 1217 S.C ss.2, 1217 S.D RP, 1217 S.D ss.1,
1217 S.E, 1217 S.F, 1217 S.G, 1217 S.G ss.1, 1217 S.G ss.2, 1217 S.H,
1217 S.I RP, 1217 S.I ss.1, 1217 S.J RP, 1217 S.M RP,
1217 S.M ss.1 (Part), 1217 S.M ss.2, 1217 S.M ss.3, 1217 S.M ss.6,
1217 S.O, 1217 S.P, 1217 S.Q, 1217 S.R, 1217 S.T, 1217 S.W, 1217 S.X
and 1668 in D.D. 11 and Adjoining Government Land,
Nam Hang,
Tai Po
(RNTPC Paper No. A/TP/428)

Presentation and Question Sessions

61. Ms. Lisa L.S. Cheng, Senior Town Planner/Shia Tin, Tai Po and North (STP/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed six Houses and minor relaxation of building height restriction;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. According to District Lands Officer/Tai Po (DLO/TP), there was insufficient land in the “Village Type Development” (“V”) zone of Nam Hang to meet the demand of village houses. The site comprised both house lots and agricultural lots and about 32% of the lots concerned were house lots which had building status. The proposed GFA under application was equivalent to the building entitlement as claimed by the applicant and not objected by DLO/TP. The site was located at the southern part of Nam Hang village with some village houses in the vicinity. The proposed building bulk and height of the development was not incompatible with the surrounding village environment and significant visual and landscape impacts arising from the proposed development was unlikely. The proposed PR of 0.5 and minor relaxation of building height restriction from 8.23m to 9.6m (including carport) was considered not excessive. The proposed development was not envisaged to impose other significant impacts on the surrounding area nor overstrain the capacity of existing and planned infrastructure. The proposed access road to be maintained by the applicant was considered acceptable by concerned Government departments.

62. In response to an enquiry by the Chairperson, Ms. Lisa L.S. Cheng, STP/STN confirmed that the total GFA under application (1,142.38 m²) was the same as the lease entitlement. Ms. Cheng also said that the same applicant had sought a higher GFA (2,365.11 m²) in a previous application (No. A/TP/397) in which District Lands Officer/Tai Po (DLO/TP) commented that the then proposed GFA might exceed the GFA entitlement under the lease of the ‘house’ lots within the site. In the current application, the applicant had applied for a lower GFA and DLO/TP had no objection to the application.

Deliberation Session

63. After further deliberation, the Committee decided to approve the application, on

the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.5.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of parking facilities and vehicular access arrangement to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the provision of noise mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB.

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

- (a) the applicant should apply to District Lands Officer/Tai Po, Lands Department for a land exchange. However, there was no guarantee that approval would be given;
- (b) all lot details and figures would be determined upon formal land exchange application received by Lands Department. The approval of land exchange application would be subject to such terms and conditions (including the regrant site area, payments of administrative fee and premium) as considered appropriate by the Government;
- (c) the applicant should note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that :

- (i) the existing footpath, walking track and access points should not be affected. If affected, they should be re-provided to the satisfaction of concerned departments;
 - (ii) it was designer's duty/responsibility to ensure that the parking space was designed adequately to cater for Food & Environmental Hygiene Department refuse collection vehicles and other emergency vehicles, if required by Fire Services Department; and
 - (iii) it was applicant's duty/responsibility to implement the proposed Ting Lai Road junction improvement works arising from the application at his cost and to the satisfaction of the Commissioner for Transport;
- (d) the applicant should undertake the funding, construction and future maintenance of the proposed access road branching off from Ting Lai Road;
- (e) there were existing Drainage Services Department maintained public stormwater drains available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the application site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (f) public sewerage connection was available for the application site. The Environmental Protection Department should be consulted regarding the preferred sewage treatment/disposal method for the proposed development;
- (g) site formation submissions should be made covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within

or near the proposed development to the Building Authority for approval as required under the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the development; and

- (h) given the closeness of the site to Ting Lai Road and the adjacent industrial building, more tree planting could be provided along the southeastern boundary to strengthen the screening for the site. Some native trees could be incorporated for the proposed compensatory planting.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/679 Shop and Services (Local Provisions Store)
 in “Industrial” zone,
 Unit A4, G/F,
 On Wah Industrial Building,
 41-43 Au Pui Wan Street,
 Fo Tan,
 Sha Tin

 (RNTPC Paper No. A/ST/679)

Presentation and Question Sessions

65. Mr. W.W. Chan, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (local provisions store);
- (c) departmental comments – no objection / no adverse comments from

concerned Government departments were received;

- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The use of the premises as local provisions store was in line with the Town Planning Board Guidelines (TPB PG-No.) 25D and not incompatible with the adjoining units on the ground floor of the same industrial building. The proposed local provisions store was small in size (only about 26 m²) and would not result in a significant loss of industrial floor space. Director of Fire Safety had no objection to the application subject to imposition of approval condition on the provision of fire service installations in the planning approval. There were no anticipated adverse environmental, hygienic and infrastructural impacts on the surrounding areas. Although some commercial units were still available at the commercial centre in the Fo Tan Industrial Area (Shatin Galleria), these vacant units were mainly located on the first floor of the centre. Besides, the subject premises was located about 100 m away from Shatin Galleria. The proposed use could provide more convenient service to cater for the needs of the workers in the vicinity. A temporary approval of three years was recommended in order to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within six months from the date

of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;

- (b) the implementation of the fire safety measures within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2010; 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.

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

- (a) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) apply to the District Lands Officer/Shan Tin, Lands Department (DLO/ST, LandsD) for a temporary waiver to permit the applied use. The DLO/ST, LandsD re-iterated that the waiver application, if approved, would be subject to such terms and conditions (including payment of fee) as the Government thinks fit. However, there was no guarantee that such waiver would be approved by the Government;
- (c) to note the comments of the Chief Building Surveyor/New Territories East, Buildings Department that the proposed use should comply with the requirements of the Buildings Ordinance. For instance, the application premises should be separated from other workshops by compartment walls having a fire resisting period of not less than two hours;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that loading/unloading activities

associated with the shop and services should not adversely affect vehicular and pedestrian flows on public road and footpath;

- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’, which was promulgated by the TPB in September 2007, for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

Agenda Item 24

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/610-1 Application for Extension of Time for Commencement of the
Approved Three New Territories Exempted Houses Development
in “Green Belt” zone under Application No. A/ST/610
for a Period of 3 Years until 20.5.2012,
Lot No. 722 in D.D. 171,
Kau To Village,
Sha Tin
(RNTPC Paper No. A/ST/610-1)

69. The Committee noted that Mr. Tony C.N. Kan had declared an interest in the item as his residence was near the application site. Mr. Kan left the meeting temporarily for this item.

Presentation and Question Sessions

70. Mr. W.W. Chan, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN),

presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the extension of time for commencement of the approved three New Territories Exempted Houses (NTEHs) development in “Green Belt” zone under Application No. A/ST/610 for a period of 3 years until 20.5.2012;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) local objection was received by the District Officer (Sha Tin) from the Resident Representative, who was an Indigenous Villager of Lau To Village (together with the signature of five other individuals), objected to the application on ‘fung shui’ reason and the construction work would cause inconvenience to Kau To villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 8 of the Paper. There was no material change in planning circumstances since the original planning permission was granted. There was no change to the development parameters/layout of the scheme No. A/ST/610, which were approved by the Board upon review on 20.5.2005. No adverse planning implication was anticipated. All the Government departments consulted had no adverse comments or objection to the EOT application. The applicant had demonstrated efforts in implementing the approved NTEHs development by applying to the Sha Tin District Lands Office for erection of the NTEHs. The proposed extension period (i.e. 3 years until 20.5.2012) was considered acceptable which could allow more time to resolve the land exchange matter. Regarding the local objection, ‘fung shui’ matter was not a planning consideration and the application site would not affect the existing footpath and nearby agricultural activities. An advisory clause was included in the planning approval requesting the applicant to minimize nuisance to pedestrian and nearby agricultural

activities during construction of the small houses to address the local concern.

71. Members had no question on the application.

Deliberation Session

72. After deliberation, the Committee decided to approve the application for extension of time for commencement of the approved development for 3 years until 20.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) 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 approval was subject to the condition that the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) any extension of time(s) for commencement of development should not result in an aggregate extension period longer than the original duration for commencement of the approved development proposal. Should the applicant wish to seek any further extension of time for commencement of the development, the TPB Guidelines Nos. 35A and 36 should be referred to for details;
- (b) to note the comment of the Director of Environmental Protection that under the “Tolo Harbour Sewerage of Unsewered Area, Stage II” to be completed by 2014, there would be a sewage pumping station at the cul de sac of Kau To Path which was within 30 m of the site boundary of the proposed development. As the proposed development was situated within “Green Belt”, the applicant should ensure the proposed houses were connected to public sewer for sewage disposal when available to avoid polluting the surrounding area;
- (c) to minimize nuisance to pedestrian and nearby agricultural activities during

construction of the proposed Small Houses;

- (d) to liaise with the Director of Fire services regarding the provision of fire fighting facilities to meet the fire safety standards; and
- (e) to liaise with the Head, Geotechnical Engineering Office, Civil Engineering and Development Department regarding the submission of a geotechnical proposal, taking into account the effects of erosion on the stability of the river bank of Kau To Hang.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, Ms. Lisa L.S. Cheng, and Mr. W.W. Chan, STPs/STN, for their attendance to answer Members' enquiries. Mr. Hui, Ms. Cheng and Mr. Chan left the meeting at this point.]

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

74. The meeting was adjourned at 4:25pm for a 5-minute break.

Tuen Mun and Yuen Long District

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

Agenda Item 25

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the
Draft Tuen Mun Outline Zoning Plan No. S/TM/24
(RNTPC Paper No. 8/09)

Presentation and Question Sessions

75. With the aid of a Powerpoint presentation, Mr. C.C. Lau, STP/TMYL, briefed the

Members on the proposed amendments to the draft Tuen Mun Outline Zoning Plan (OZP) as detailed in the Paper and cover the following main points:

Background

- (a) according to the Register of Sites of Special Scientific Interest, two sites at Siu Lang Shui, and Castle Peak within the OZP planning scheme area had been designated as “Sites of Special Scientific Interest” (“SSSI”). They currently fell within the “Green Belt” (“GB”) zone on the OZP. With the intention to conserve and protect the natural features at the sites, to reflect their scientific importance, and to deter human activities or developments within the sites, it was proposed to rezone the sites from “GB” to “SSSI” on the OZP;

Proposed Amendments

- (b) the following two sites were proposed to be rezoned from “GB” to “SSSI”:
- a site at Siu Lang Shui, Tuen Mun Area 49 (approximately 2.26 ha). It was covered by an exotic plantation of Cadaga and Taiwan Acacia. Some native species of smaller trees including Prickly Ash and Chinese Privet had naturally colonized in the understorey. It was the largest known butterfly overwintering site in Hong Kong for species including Blue-spotted Crow, Common Indian Crow, Striped Blue Crow, etc. The overwintering butterfly population at the Site were vulnerable to development impacts and human disturbance. Any development proposal within and in the vicinity of the site might pose threats to the overwintering butterfly population at the site; and
 - a site at Castle Peak, Tuen Mun Area 24 (approximately 40.43 ha). It was located at the summit of Castle Peak. Part of the “SSSI” extended outside the OZP planning scheme area onto the Tsing Shan Firing Range. The grassy summit of the Castle Peak SSSI was one of the most important sites for Balloon Flower, a rare flowering plant which

was protected under the Forests and Countryside Ordinance. The ravines were also forested with interesting and rare plant species. Two other protected species had also been recorded at the site, namely Chinese Lily and Chinese New Year Flower;

- (c) the proposed amendments to the Notes were mainly for incorporation of the new set of Notes, including schedule of uses, planning intention and remarks for the “SSSI” sites according to the revised MSN;
- (d) the Explanatory Statement of the OZP had been revised to take into account the proposed amendments and updated information; and

Public Consultation

- (e) the Tuen Mun District Council would be consulted on the amendments during the statutory exhibition period of the draft Tuen Mun OZP No. S/TM/25.

76. Members had no question on the proposed amendments.

Deliberation Session

77. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the draft Tuen Mun Outline Zoning Plan (OZP) No. S/TM/24 and that the draft Tuen Mun OZP No. S/TM/24D at Attachment II of the Paper (to be renumbered to S/TM/25 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Tuen Mun OZP No. S/TM/24D as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zones on the Plan; and

- (c) agree that the revised ES was suitable for exhibition together with the draft Tuen Mun OZP No. S/TM/24D (to be renumbered as S/TM/25 upon exhibition) and issued under the name of the Board.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/383 Religious Institution (Church)
 in “Residential (Group A)” zone,
 Shop No. 19, G/F,
 Brilliant Garden,
 250 Castle Peak Road,
 San Hui,
 Tuen Mun

 (RNTPC Paper No. A/TM/383)

Presentation and Question Sessions

78. 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 religious institution (church);
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Tuen Mun);
and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The religious institution, which would be used mainly for teaching practical bible knowledge and infrequently as a place of public worship for celebration of marriages for their Christian brothers and sisters, was considered not incompatible with the adjoining units on the ground floor of the subject residential development. Similar applications for religious institution uses in other “Residential (Group A)” (“R(A)”) zones on the same OZP were approved. The entrances to the premises were separated from the main entrance to residential lift lobby to the building and the religious institution use under application would not cause nuisances to the residents. In view of the small scale (181m²) and its nature of operation, significant adverse impacts on the environment, traffic, infrastructure and fire safety of the area were not anticipated.

79. Members had no question on the application.

Deliberation Session

80. 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 was subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009; and
- (b) if the above planning condition 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.

81. 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) note the District Lands Officer/Tuen Mun's comments that under special condition (13)(b) of the lease, the applicant should seek prior approval from the Buildings Authority about the intended change of user and it was the owner's responsibility to resolve any matters under the Deed of Mutual Covenant with the Owners' Corporation direct regarding the proposed change of user; and
- (c) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if non-exempted works were involved, plans should be submitted by an authorized person to the Building Authority for approval and to apply for consent to commence works under the provisions of the Buildings Ordinance. Barrier Free Access provisions should be complied with in accordance with Building (Planning) Regulation 72.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/384 Proposed House (New Territories Exempted House) and Car Park
 in "Green Belt" zone,
 Lot No. 261 in D.D. 379,
 Siu Sau Village,
 Tuen Mun
 (RNTPC Paper No. A/TM/384)

Presentation and Question Sessions

82. 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 proposed House (New Territories Exempted House) and car park;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 1 public comment was received during the statutory publication period from a local resident objecting to the application on grounds of boundaries dispute which was being handled by District Lands Office/ Tuen Mun. No local objection was received from the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. There was a general presumption against development within the “Green Belt” (“GB”) zone and the application was not in line with the Town Planning Board Guidelines (TPB PG-No.) 10. The current application was for the redevelopment of an existing NTEH for a house. However, it would result in an increase of the development intensity of the site in terms of GFA (increase from 162.6m² to 195.05m², +20%), site coverage (increase from 65.03m² to 105.9m², +62.8%) and building height (from 7.62m to 8.23m, +8%). Such increase was not in line with the criteria set out in the TPB-PG No. 10 which would only permit for a redevelopment of existing residential development up to the intensity of existing development. The proposal also did not meet the other criteria set out in the TPB-PG No. 10 in that the applicant was not an indigenous villager and the site was not in close proximity of any recognised village. The proposed single-storey car park (40m²) providing 2 parking spaces had exceeded the parking requirement for NETH as per the Hong Kong Planning Standards and Guidelines. The proposed NTEH might encroach onto an existing footpath/village access which was partly within the lot.

83. Members had no question on the application.

Deliberation Session

84. A Member enquired whether the proposed building height of 3 storeys (8.23m) under application had exceeded the current requirements permitted for NTEH development. In response, Mr. C.C. Lau, STP/TMYL explained that although the building height of the redevelopment proposal (8.23m, 3 storeys) tallied with the current NTEH standard, it had exceeded the original building height of 7.62m (two and a half storeys) originally entitled for the site. Mr. Lau referred Members to Appendix II of the Paper and said that the application did not comply with the criteria for NTEH development in “GB” as set out in the TPB-PG No. 10 on two counts. According to criteria (c) of the Guidelines, NTEH development within the “GB” zone would only be given favourable consideration if it was to meet the demand from indigenous villagers. The applicant, however, was not an indigenous villager. The application was therefore considered as a redevelopment of an existing residential development in the “GB” zone. According to criteria (d) of the Guidelines, it was stipulated that redevelopment of existing residential development would generally be permitted up to the intensity of the existing development. The redevelopment proposal, which would result in the increase in building height and development intensity of the site, would exceed its existing lease entitlement.

85. The Secretary supplemented that the main concern for the current application would be the resulting increase in development intensity at the site in “GB” zone. Notwithstanding that there was a presumption against development in the “GB” zone, it was TPB’s position to respect the existing building right and lease entitlement of landowners. In the current redevelopment proposal, there was an increase in GFA and site coverage apart from building height. The TPB should consider whether such an increase in development intensity in the “GB” zone could be supported. In response to an enquiry by another Member, the Secretary advised that it was the TPB’s practice not to approve application which would result in development intensity exceeding the building entitlement.

86. After further 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”) zone which was to define the limits of urban and

suburban 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 this zone. There was no strong justification for a departure from the planning intention;

- (b) the proposed redevelopment was not in line with Town Planning Board Planning Guideline No. 10 for Development within “GB” Zone in that the application was not to satisfy the demand of indigenous villagers and the proposed development intensity exceeded that of the existing development; and
- (c) no similar application for the applied use was approved in the same and nearby “GB” zone. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a degradation of the general environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/61 Temporary Barbecue Area
for a Period of 3 Years
in “Village Type Development” zone,
Lots No. 263S.B(Part), 264S.A (Part), 264 RP(Part), 267S.A RP,
267S.A ss.1(Part), 267S.B(Part), 267S.C (Part), 267S.D, 267 RP,
268, 270(Part), 271(Part), 272(Part) and 273(Part) in D.D. 385,
Tai Lam Chung Tsuen,
Tuen Mun
(RNTPC Paper No. A/TM-SKW/61)

Presentation and Question Sessions

87. 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 temporary barbecue area for a period of 3 years;
- (c) departmental comments – District Lands Officer/Tuen Mun (DLO/TM) advised that there were five small house applications involving seven lots within the application site which were approved. Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and environmental nuisances were expected. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) reminded that the applicant should provide for the stormwater collection and discharge system from the site;
- (d) 1 public comment supporting the application 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 did not support the application based on the assessment made in paragraph 11 of the Paper. Although the site was the subject of four previous approvals for the same use, the scale of the current application has increased substantially (from 1,600m² to 4,631m², +189.4%) than the previous applications. The current application involved a substantial increase in scale and the magnitude of the potential negative impact was likely to be much greater. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone. As five Small House applications in connection with the site had been approved by DLO/TM, granting planning permission to this application, even on a temporary basis for 3 years, would be contradictory to the planning intention of the “V” zone. The development was not compatible with the surroundings in environmental terms. The existing dwellings would be subject to the environmental

nuisance arising from the applied use. DEP did not support the application. The applicant failed to demonstrate that the applied use would not have adverse environmental and drainage impacts on the surrounding areas. All the four previous planning approvals (under applications No. A/TM-SKW/42, A/TM-SKW/48, A/TM-SKW/54 and A/TM/57) for the same use on the site were revoked for non-compliance with approval conditions. The applicant had not demonstrated reasonable action to comply with approval conditions.

88. In response to the enquiry by the Chairperson, Mr. C.C. Lau said that since the Small Houses development in the vicinity of the application site had been approved, approval of the current planning application might affect the development of these small houses. Some Members considered that the Small House applications had no bearing on the current application. The main planning consideration should be on merits of the application. They considered that there were four previous planning approvals granting for the site, and all of them were revoked for non-compliance with the respective approval conditions. As such, there was no strong justification to continue to grant approval for the current application which involved an even larger site for the proposed barbecue area use.

Deliberation Session

89. Members agreed that there was no strong justification to continue to grant approval to the application as the applicant had not shown any genuine effort to comply with the approval conditions.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone, which was to designate both existing recognised villages and areas of land considered suitable for village expansion, even on a temporary basis;
- (b) the development was not compatible with the surrounding areas and the

residential dwellings in the close vicinity;

- (c) there was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar application within the “V” zone.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/607 Temporary Warehouse of Electronic Parts, Paper Products
and Non-flammable Materials and Ancillary Tyre Repair Workshop
for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part),
3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part)
and 3314 (Part) in D.D. 129,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/607)

Presentation and Question Sessions

91. 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 warehouse of electronic parts, paper products and non-flammable materials and ancillary tyre repair workshop for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity 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 had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone since there was not yet any programme to implement the “CDA” zone. To address DEP’s concern, approval conditions had been recommended in the planning approval. Any non-compliance with these approval conditions would result in revocation of the planning permission and subject to enforcement action. The development was in line with the Town Planning Board Guidelines (TPB PG-No.) 13E. There were 3 previously approved applications for the same/ similar temporary warehouse use on the site since 2005. Since granting the previous approval, there had been no material change in the planning circumstances. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications in the same “CDA” zone for similar open storage and port back-up uses. Approval of the subject application was in line with the Committee’s previous decisions.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, 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. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, was allowed on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-HT/564 should be maintained during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2009;
- (f) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.8.2009;
- (g) in relation to (f) above, the implementation of run-in proposals within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.11.2009;
- (h) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the

TPB by 8.8.2009;

- (i) in relation to (h) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (j) the submission of fire service installations proposals, including sprinkler system, for the structures within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2009;
- (k) in relation to (j), the provision of fire service installations for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;
- (l) 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;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB

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

- (a) prior planning permission should have been obtained before continuing the development on-site;

- (b) shorter compliance periods were imposed in order to monitor the fulfillment of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (c) 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;
- (d) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) note District Lands Officer/Yuen Long's comments that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to ensure that the owner of Lots No. 3305 RP and 3314 would apply for Short Term Waiver (STW) to regularize any structure(s) erected on the concerned lots, and carve out the lots concerned according to the site boundary. Should no STW application be received/approved and the irregularities persist on the site, his office, on review of the situation, would take appropriate action according to the established district enforcement programme;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (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 (HyD)'s comments to construct the run-in/out at the access point at Ping Ha Road in accordance with the latest version of HyD's Standard Drawing No. H1113 and H1114, or H5115 and H5116, to match with the existing pavement condition; and ensure that no surface water would run out from the site to the nearby public roads/drains through the access;
- (i) note the Chief Engineer/Land Works, Civil Engineering and Development Department's comments that the ingress/egress route to/from the site might be affected during the construction period for Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)" commenced in December 2007 for completion in end 2010, and that he should not be entitled for any compensation arising from the said construction. As the road level of Ping Ha Road would be raised after the proposed improvement works, any necessary modification works at the ingress/egress route to/from the site should be carried out at the applicant's own expense in future to tie in the interface with aforesaid project;
- (j) note the Chief Town Planner/Urban Design and Landscape, Planning Department' comments that the updated landscape proposal should be indicated with proper symbols for existing trees and proposed trees;
- (k) note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper; and
- (l) 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, for approval under the BO was required; if the site did not abut on a specified street of more than 4.5m in width, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable.

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/610 Temporary Open Storage of Containers,
Container Repair Workshop and Logistics Yard for a Period of 3 Years
in “Undetermined” zone,
Lots No. 133 RP(Part), 134(Part), 135 S.A, 135 S.B, 136 RP(Part), 218,
219 RP(Part), 220 RP(Part), 221 RP(Part), 222, 223, 224, 225, 226(Part),
227(Part), 228(Part), 229(Part), 230(Part), 231(Part), 259(Part),
260(Part), 262(Part), 263, 264(Part), 265 and 266(Part) in D.D.124,
Lots 1607(Part) and 1611(Part) in D.D. 125
and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/610)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers, container repair workshop and logistics yard for a period of 3 years;

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

- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity 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 had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses. There had not been any environmental complaint pertaining to the site in the past three years. To address DEP’s concern, relevant approval conditions had been included in the planning approval. Non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. The development was in line with the Town Planning Board Guidelines (TPB PG-No.) 13E. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications for temporary open storage of containers in the same “U” zone. As the site was in the vicinity of these similar applications, approval of the subject application was in line with the Committee’s previous decisions.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) no stacking of containers within 5m from the periphery of the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) the existing trees on the site should be maintained during the planning approval period;
- (f) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;
- (g) in relation to (f) above, the implementation of the flood mitigation measures proposed in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2010;
- (h) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;
- (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 8.2.2010;
- (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; and

- (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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the site;
- (b) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) note District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and his office reserved the right to take enforcement action against any breach of the terms and conditions of Short Term Waivers and Short Term Tenancy granted in 1998;
- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (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 Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal as stated in Appendix VI of the Paper; and
- (h) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on 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 containers as office were considered as temporary buildings and were subject to control under 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 not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/611 Temporary Container Vehicle Repair Yard with Ancillary Office
for a Period of 3 Years
in “Open Storage” zone,
Lots No. 1188 RP (Part), 1333 (Part), 1334 (Part),
1335 (Part) and 1336 (Part) in D.D. 125,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/611)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container vehicle repair yard with ancillary office for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity of the access road and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was generally in line with the planning intention of

“Open Storage” (“OS”) zone and was not incompatible with the surrounding land uses. There was no environmental complaint against the site over the past 3 years. To address DEP’s concern, relevant approval conditions had been recommended in the planning approval. The development was in line with the Town Planning Board Guidelines (TPB PG-No.) 13E. The Committee had approved 3 previous applications (No. A/YL-HT/113, 473 and 579) on the site since 1999 and other similar applications in the vicinity. There had been no material change in the planning circumstances. The area on both sides of Ha Tsuen Road, including the site, had been rezoned to “OS” and “OS(1)” to cater for the demand for OS/PBU uses. Approval of the subject application was in line with the Committee’s previous decisions. As the last permission was revoked due to non-compliance with approval conditions, shorter compliance periods were recommended to allow closer monitoring.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, 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 from 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the provision of drainage facilities as proposed within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2009;
- (d) the submission of a landscape proposal, with indication of relevant

information on the existing and proposed trees, within 3 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 8.8.2009;

- (e) in relation to (d) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 8.11.2009;
- (f) the submission of fire service installations proposals, including sprinkler system, within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 8.8.2009;
- (g) in relation to (g) above, the provision of fire service installations, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 8.11.2009;
- (h) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2009;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

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

- (b) shorter compliance periods were granted in order to monitor the fulfilment of approval conditions. No favourable consideration to further planning application would be given if the current permission was again revoked for non-compliance with the approval conditions within the specified time;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long's comments that the lots under application were Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Waiver (STW) to regularize structures erected on site and carve out the lots concerned according to the site boundary. Should no STW application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action according to the established district lease enforcement programme;
- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize the possible environmental impacts on the nearby sensitive receivers;
- (f) note the Director of Fire Services' comments on the requirements of formulating fire service installation proposals as stated in Appendix V of the Paper; and
- (g) 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 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 containers as office were

considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; formal submission of any proposed new works, including 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 building plan submission stage; and B(P)R 41D regarding the provision of Emergency Vehicular Access was applicable.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/612 Temporary Open Storage of Containers for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lots No. 2427 (Part), 2430 (Part), 2431 (Part), 2432 (Part), 2433 (Part),
2434 (Part), 2439 (Part), 2976 (Part), 2977 S.A (Part), 2977 S.B (Part),
2978 (Part), 2979 (Part) and 2980 (Part) in D.D. 129,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/612)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity of

the 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 had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone on the OZP since there was not yet any programme to implement the “CDA” zone. There was no environmental complaint against the site over the past 3 years. To address DEP's concern, relevant approval conditions had been recommended in the planning approval. The development was in line with the Town Planning Board Guidelines (TPB PG-No). 13E. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications in the same “CDA” zone. Approval of the subject application was in line with the Committee's previous decisions.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;

- (c) the stacking height of containers stored on the site should not exceed 7 units, as proposed by the applicant, during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair, container repair and workshop activity was allowed on the site during the planning approval period;
- (e) the submission of a 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 8.11.2009;
- (f) in relation to (e) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2010;
- (g) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (h) the demolition of the existing shelter at the southern part of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice;
and

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

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) 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;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) note the District Lands Officer/Yuen Long (DLO/YL)'s comments that the site was situated on Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to ensure that the lot owners would apply for a Short Term Waiver (STW) to regularize any structure(s) erected on-site, and for the purpose of applying a STW, the lot owners should carve out the affected portion of lot unless the other portion of the lot was free of any structure. Should no STW application be received/approved and the irregularities persist on-site, his office, on review of the situation, would take appropriate action according to the established district enforcement programme;
- (e) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal :
 - (i) DLO/YL should be consulted and relevant owners' consent should

be obtained as regards all proposed drainage works outside the site;

- (ii) the size and gradient of the drainage connection from the 600mm channel to Fung Kong Tsuen Channel, and details of the connection at Fung Kong Tsuen Channel should be shown in the drainage proposal; and
- (iii) as the site was sloping from north to south, peripheral channel should also be provided at the southern boundary of the site;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (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 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; 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/236 Proposed Religious Institution (Seminary)
in “Residential (Group C)” zone,
Lots No. 1117 S.B, 4198 S.A ss.8 RP, 4198 S.A ss.9 RP,
4198 S.A ss.12 RP and 4198 S.A RP in D.D. 104,
Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/236)

Presentation and Question Sessions

107. 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 religious institution (seminary);
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) 26 public comments were received during the statutory publication period from The Vineyard Management Services Office, a group of 19 residents (with signatures only) and another 24 residents of The Vineyard, all objecting to the application on similar grounds that the proposed development would attract too many strangers to the neighbourhood, create environmental noise nuisance, increase the traffic volume due to a large number of visitors and establish a case for subsequent change to such other religious uses as a Taoist temple. No local objection was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “Residential (Group C)” (“R(C)”) zone was intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Town Planning Board (TPB). Religious institution might be permitted by the TPB upon application. The proposed seminary development with a plot ratio of 0.4 and a building height of 9m (2 storeys) on a site of area about 2,620.3m² providing biblical training was considered not incompatible with the immediate surrounding land uses. In view of its nature and small scale, it would not result in significant adverse traffic, environmental, sewage, drainage and noise impacts on the surrounding areas and relevant approval conditions had been recommended to address departmental technical concerns. Regarding the public comments, the proposed seminary was meant for biblical training for mature students with gatherings only at festive occasions and relevant departments had no objection / no adverse comment on aspects of public order, environmental and traffic impacts. As for the concern about subsequent possible change to other religious uses, the granting of a planning permission was based on the terms as submitted to the Board. Any variations to the terms of the approved planning scheme would require approval from the TPB.

108. A Member enquired if there would be any traffic impact arising from the application and how would PlanD's responses to the comments be conveyed to The Vineyard. In response, Mr. Anthony C. Y. Lee, STP/TMYL referred Members to the operation of the proposed seminary as detailed paragraph 1.3 of the Paper in that there would be not more than 40 students and there would be a maximum number of 112 visitors on major festive days. Transport Department had no comment on the application. It was therefore considered that the proposed seminary would not give rise to significant traffic impact. Concerning the response to the comments made by the residents of The Vineyard, as the usual practice, the TPB Secretariat would reply to the respective commenters about the decision of the application. Commenters might liaise with PlanD if further information on the application was required.

Deliberation Session

109. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 8.5.2013, 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 structures should be erected within the proposed Northern Link railway reserve;
- (b) the submission of landscape proposal including tree preservation scheme for the site to the satisfaction of the Director of Planning or of the TPB;
- (c) in relation to (b) above, the implementation of landscape proposal including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) in relation to (d) above, the provision of drainage facilities proposed to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of emergency vehicular access, water supply for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) in relation to (f) above, the provision of emergency vehicular access, water supply for fire fighting and fire service installations as proposed to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) note the District Lands Officer/Yuen Long's comments to apply for land exchange. There was no guarantee that the land exchange application would eventually be approved;
- (b) 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 site and Ngau Tam Mei Road;
- (c) note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal application for dangerous goods licence. The emergency vehicular access (EVA) provision should be complied with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Buildings (Planning) Regulation 41D;
- (d) note the Drainage Services Department (DSD)'s comments that the drainage proposal should include a drainage plan to demonstrate that all the existing flow paths as well as the runoff falling onto and passing through the proposed development would be intercepted and disposed of via proper discharge points. The drainage proposal should include the proposed stormwater drainage facilities only. Sewage scheme and assessment should be carried out under Sewage Impact Assessment separately;
- (e) note the Director of Environmental Protection's comments that the proposed use currently fell within an unsewered area. It would be controlled under the Water Pollution Control Ordinance. The user should apply for a wastewater discharge licence from the Authority. Once the public sewer was available in the vicinity, any wastewater facilities of the proposed development should be connected to the public sewer by the user and under their expenses. Any wastewater generated should be discharged to the public sewer;
- (f) note the Director of Agriculture, Fisheries and Conservation's comments

that the applicant would implement tree preservation measures to minimise any disturbance to the existing trees;

- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) unless the site abuts on a specified street having a width of not less than 4.5 m. The right of way, if included in the site area of the site, should be deducted from site area for the purpose of Plot Ratio/Site Coverage calculation under Buildings Ordinance. Besides, the internal access road/internal street should comply with Building (Private Streets and Access Roads) Regulations and completed before occupation permit application. The applicant should also demonstrate the access to the site under B(P)R 5 and the provision of EVA under B(P)R 41D. Detailed comments would be provided upon formal submission of plans;
- (h) note the Director of Electrical and Mechanical Services' comments to liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and
- (i) note the Director of Food and Environmental Hygiene's comments that a proper food licence or to register as a staff canteen was necessary if any food handling or any class of food business to be conducted in the premises.

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-KTN/317 Proposed Residential Development and Enhanced Wetland Reserve in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”) zone,
Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 260 RP (Part),
261 RP, 262 RP, 263 (Part), 264 S.(A to D) RP, 264 S.(E to H) RP,
266 S.B RP, 268 S.(A to B) (Part), 268 S.C RP and 269 S.B (Part) in
D.D. 109 and Adjoining Government Land,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/317)

111. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong Holdings Ltd. Dr. James C.W. Lau had declared an interest in this item as he had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Dr. Lau could be allowed to stay at the meeting.

112. The Committee noted that on 7.4.2009, the applicant’s agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to further defer making a decision on the application for another 2 months in order to allow more time for preparation of supplementary information to address departmental comments. He explained that despite continuous effort and communication with various government departments had been carried out, there were still some outstanding issues that required more time to settle.

113. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed

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

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-KTN/319 Proposed Residential Development with Commercial Facilities
and Government, Institution or Community Site
in “Undetermined” zone,
Lot No. 2099 in D.D. 109 and Adjoining Government Land,
Ha Ko Po Tsuen,
Kam Tin,
Yuen Long
(RNTPC Paper No. A/YL-KTN/319)

114. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK). Mr. Alfred Donald Yap, Mr. Y.K. Cheng, and Dr. James C.W. Lau had declared an interest in the item. Mr. Yap and Mr. Cheng had current business dealings with SHK whereas Dr. Lau had current business dealings with Hyder Consulting Ltd., who was a member of the consultancy team for the applicant. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Yap, Mr. Cheng, and Dr. Lau could be allowed to stay at the meeting.

115. The Committee noted that on 17.4.2009, the applicant’s agent wrote to the Secretary, Town Planning Board (the Board) and requested the Board to further defer making a decision on the application to 22.5.2009 or 5.6.2009 (i.e. about 1 month) in order to allow time for preparation of further information to address the comments of the Environmental Protection Department.

116. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/322 Proposed Temporary Container Vehicle/Lorry Park
for An Existing Warehouse for a Period of 18 Months
in “Industrial (Group D)” zone,
Lots No. 452 S.A (Part), 452 S.B (Part) and 453 (Part) in D.D. 107,
Kam Tin North,
Yuen Long
(RNTPC Paper No. A/YL-KTN/322)

Presentation and Question Sessions

117. 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 proposed temporary container vehicle/lorry park for an existing warehouse for a period of 18 months;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and environmental nuisance was expected;
- (d) 3 public comments were received during the statutory publication period from the Chairman of Kam Tin Rural Committee, the Yuen Long District

Councillor representing Kam Tin, the village representatives of Fung Kat Heung and Sha Po Tsuen. All the commenters objected or strongly objected to the application on the grounds of adverse drainage, traffic and environmental impacts to the surrounding area, the noise and flooding problems resulting from the land filling at the site which affected the local villagers. No local objection was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed development was generally in line with the planning intention of the “Industrial (Group D)” (“I(D)”) zone. The proposed development was considered not incompatible with the surrounding land uses. No environmental complaint had been received by DEP in the past three years. The application was generally in line with the Town Planning Board Guidelines (TPB PG-No.) 13E. Relevant approval conditions had been recommended to address DEP's concern. Shorter compliance periods of the approval conditions of 3 or 6 months were considered appropriate for a proposed approval period for 18 months. Regarding the local concerns on drainage, traffic and environmental aspects, relevant departments had no objection to the application and the concerns could be mitigated through approval conditions and advisory clauses.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 18 months up to 8.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (d) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2009;
- (e) in relation to (d) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (f) 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 8.8.2009;
- (g) in relation to (f) above, the implementation 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 8.11.2009;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon 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.

120. 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) note the District Lands Officer/Yuen Long's comments that the site was accessible through other private land and open government land from San Tam Road. His office did not have maintenance works on the government land nor guarantee the right-of-way;
- (c) note the Chief Town Planner/Urban Design and Landscape's comments that the landscape proposal submitted was considered inadequate as there was no landscape treatment at the northern boundary to minimize the potential adverse impact on the nearby Shum Residence to the northeast of the site. Besides, the spacing of the proposed new trees on the western and southern boundary was too sparse;
- (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 Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) note the Chief Highway Engineer/New Territories West and the Chief Engineer/Railway Development 2-1 of Railway Development Office, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and San Tam Road; and
- (f) note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable

plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. Besides, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

[Dr. James C.W. Lau left the meeting at this point.]

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/323 Proposed Temporary Eating Place (Outside Seating Area)
for a Period of 5 Years
in “Village Type Development” zone,
Government Land,
Wing Lung Wai,
Kam Tin Road,
Yuen Long
(RNTPC Paper No. A/YL-KTN/323)

Presentation and Question Sessions

121. 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 proposed temporary eating place (outside seating area) for a period of 5 years;
- (c) departmental comments – no objection / no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received from the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed use, which was only a minor extension of an existing restaurant on the ground floor of a village house, was in line with the planning intention of the “Village Type Development” (“V”) zone and considered not incompatible with the surrounding land uses. It would provide additional area for the existing restaurant to serve the people working and living in the area. Given its small scale and temporary nature, it would not have significant impact on the nearby residents and could meet the relevant assessment criteria set out in Town Planning Board Guidelines (TPB PG-No.) 15A and unlikely generate adverse traffic, drainage, sewage disposal and environmental impacts on the surrounding areas. A shorter approval period of 3 years was recommended so as to retain planning control at the site and to cater for changing circumstances in future according to TPB PG-No. 15A. Relevant approval condition was included in the planning approval to avoid environmental nuisance. The proposed use would also need to comply with all the relevant environmental hygiene requirements for application of a licence as required by the licensing authority.

122. Members had no question on the application.

Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, 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 11:00 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period; and
- (b) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) a shorter approval period was granted so as to monitor the situation on the site;
- (b) 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 potential environmental nuisances;
- (c) note the Director of Fire Services’s comment that the applicant should comply with the relevant fire safety licensing requirements under the licence application of the Food and Environmental Hygiene Department; and
- (d) note the Director of Electrical and Mechanical Services’s comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or

overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/463 Temporary Open Storage of Vehicles and Vehicle Parts Use
for a Period of 3 Years
in “Residential (Group D)” zone,
Lots No. 702 S.C (Part), 703, 704 S.B RP (Part)
and 705 S.B RP (Part) in D.D. 106 and Adjoining Government Land,
Yuen Long
(RNTPC Paper No. A/YL-KTS/463)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles and vehicle parts for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and environmental nuisance was expected;
- (d) 1 public comment was received during the statutory publication period objecting to the application on grounds of noise and hygiene concern and the possible rearing of a large number of dogs. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The development was not incompatible with the surrounding areas. A similar application (No. A/YL-KTS/392) to the immediate north-west of the application site was approved with conditions by the Committee on 19.1.2007. As there was no known residential development for the “Residential (Group D)” (“R(D)”) site, the temporary planning permission for another 3 years would not frustrate the planning intention of the “R(D)” zone. The current application was in line with TPB PG-No.13E. The site was the subject of 7 previous planning permissions and the last application (No. A/YL-KTS/369) was recently lapsed. Since there was no major change in planning circumstances and the applicant had complied with the relevant approval condition under the last approval, sympathetic consideration could be given to the current application. Relevant approval conditions had been recommended in the planning approval to address DEP’s concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission. The local concerns on environmental aspect were addressed by the imposition of relevant approval conditions. As for the gathering of dogs, the applicant had indicated that only 2 dogs within the site were kept by him for guarding

purpose.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, 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. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed for the operation of the site at any time during the planning approval period;
- (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) all landscape plantings on the application site should be maintained at all times during the planning approval period;
- (e) the agreed drainage facilities on the application site under application No A/YL-KTS/316 should be maintained in good condition at all times during the planning approval period;
- (f) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;
- (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 8.2.2010;

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

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department's comments that there were unauthorized structures and unlawful occupation of Government land (GL) within the application site. His office reserved the right to take lease enforcement and land control action against the irregularities. Should the planning approval be granted, the occupier should apply to his office for Short Term Tenancy (STT) to regularize the occupation of GL within the site. Besides, the application site involved portion of lots. It was his policy to grant Short Term Waiver (STW) on whole lot basis. As such, for the purpose of applying for STW, the owner should carve out the lot concerned according to the application site

boundary if only portion of the lot concerned was within the application site boundary. Should no STT application be received/approved and any irregularities persist on the site, his office would consider taking appropriate control action against the occupier according to the prevailing programme. In addition, the application site was accessible from Shek Kong Airfield Road through a short stretch of GL and his office did not carry out maintenance works of the GL;

- (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 Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) note the Director of Fire Services’s comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements as indicated in Appendix V of the Paper. If the applicant wished to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration. Besides, detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (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 Building Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

- (g) note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/577 Temporary Horse Riding School
for a Period of 3 Years
in "Residential (Group D)" zone,
Lots No. 64 RP, 72 S.B ss.2 and 73 S.B RP in D.D. 108,
Ta Shek Wu,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/577)

Presentation and Question Sessions

129. 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 horse riding school for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The site was the subject of 5 previous approvals for the same applied use since 1992. The major development parameters of the current application was very similar to the last application No. A/YL-PH/519. There was no major change in planning circumstances of the application. Given the temporary nature of the development, it could be regarded as interim utilization of land pending residential development within the area. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. The development covering only about 14% of the site was considered not incompatible with the surrounding area.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing/breaking, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (c) the drainage facilities implemented on the application site under Application No. A/YL-PH/519 should be maintained at all times during the planning approval period;
- (d) the existing trees and landscape planting on the application site should be maintained at all times during the planning approval period;
- (e) the submission of emergency vehicular access (EVA), water supply for fire fighting and 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 8.11.2009;
- (f) in relation to (e) above, the provision of EVA, 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 8.2.2010;
- (g) 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;
- (h) if any of the above planning conditions (e) or (f) 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

- (i) 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) No. 3343 was approved to Lots 64 RP and 73 S.B RP in D.D. 108 permitting structures for horse riding school and ancillary use with Built-over Area not exceeding 790m² on Lot 64 RP and 380m² on Lot 73 S.B RP and all height not exceeding 5.2m. According to the provided information, the building height of the office building was 5.45m and stable building was 7.2m. They both exceed the permitted height under STW No. 3343. His office reserved the right to take enforcement action under STW if it was found any breach of the pertaining conditions. The registered owner of the relevant lots should apply for modification of relevant STW to regularize the irregularities on site;
- (c) note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (d) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances. In particular, the effluent discharge of the applied use was subject to the control of Water Pollution Control Ordinance (WPCO), Cap. 358. The applicant should

know his obligation under the WPCO and should ensure that a valid discharge licence under the WPCO was obtained at all time during the approval period;

- (e) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) note the Director of Agriculture, Fisheries and Conservation's comments that a Riding Establishment Licence under Public Health (Animals) (Riding Establishment) Regulations, Cap. 139J, had been granted by his department for the site. However, the licensee/applicant should renew the licence which would expire in July 2009 and to avoid disturbance to the watercourse adjacent to the site, especially in terms of surface runoff; and
- (g) 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). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should

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

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/579 Petrol Filling Station
in “Village Type Development” zone,
Lots No. 2095 S.B RP, 2096 S.B RP and 2097 S.B RP in D.D. 111,
Kam Tin Road,
Wang Toi Shan,
Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/579)

Presentation and Question Sessions

133. 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 petrol filling station;
- (c) departmental comments – District Lands Officer/Yuen Long (DLO/YL) did not support the application from the Small House Policy point of view. Director of Environmental Protection (DEP) considered that there were 3 blocks of village houses adjoining the site under construction. Upon the occupation of these village houses, noise nuisances to the residents of the

village houses would be a concern;

- (d) 1 public comment was received during the statutory publication period from a villager of Wang Toi Shan San Tsuen strongly objecting to the application in view of the repeated approval granted for the Petrol Filling Station (PFS), the impact of the PFS on the villages in the neighbourhood, the presence of several petrol filling stations elsewhere and the health hazard on the villagers because of the close distance between the PFS and some village houses. No local objection was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)' views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The site was the subject of 8 previous approvals for temporary PFS with the latest temporary approval granted by the Committee on 21.11.2008 under Application No. A/YL-PH/572 until 23.12.2010. The site fell within the “Village Type Development” (“V”) zone. Approval of the PFS on permanent basis would frustrate the long-term planning intention of the “V” zone. DLO/YL did not support the application from Small House Policy point of view. Previous planning permissions granted for the same use were all on a temporary basis only, which would not affect the long-term development of the site. There were 3 village houses to the immediate north-east of the site under construction and when occupied would become sensitive receivers to any potential environmental impacts generated by the PFS. It would therefore give rise to incompatibility of the two uses. DEP was of the view that upon the occupation of the village houses, noise nuisances to the residents of the village houses would be a concern. Public objection had been received on grounds of close proximity of the PFS with some of the village house (less than 6 feet (about 1.8m)) and health hazard.

134. Members had no question on the application.

Deliberation Session

135. Members considered that notwithstanding previous approvals had been granted for a temporary use of the petrol filling station (PFS) at the site, with the recent completion of a number of village houses, some of which were in close proximity to the PFS, there was a change in the planning circumstances and it would result in interface problem and thus appropriate to revisit the suitability of the PFS at the site in order not to jeopardize the Small House developments and the living environment within the “V” zone. Members agreed that it was not appropriate to grant approval to the current application. Members then reviewed reason (b) of rejection reasons of the application and agreed to amend the reasons suggested in the Paper.

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

- (a) the petrol filling station use would be incompatible with the neighbouring village houses under construction; and
- (b) there was a change in the planning circumstances in that a number of village houses were located in close proximity to the application site resulting in interface problem. The development would have adverse environmental impact on the surrounding areas, in particular for the adjoining new village houses in the subject “Village Type Development” zone.

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/152 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years
in “Village Type Development” zone,
Lot No. 225 S.D (Part) in D.D. 112,
Lai Uk Tsuen,
Kam Sheung Road,
Yuen Long
(RNTPC Paper No. A/YL-SK/152)

Presentation and Question Sessions

137. 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 shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned Government departments were received;
- (d) 2 public comments were received during the statutory publication period. One of them was from the Indigenous Inhabitant Representative of Sheung Tsuen, Pat Heung, attached with 40 signatures of local villagers complaining against the illegal land filling works and raising objection to the application. The second commenter objected to the application on grounds of planning intention, land use compatibility, views, environmental, traffic, and other reasons. The details of the public comments were in Appendix III-1 and Appendix III-2 of the Paper. No local objection was received from the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The development was relatively small in scale and it was considered not incompatible with the surrounding environment. Although the development was not entirely in line with the planning intention of the “V” zone, similar ‘Shop and Services’ use on the ground floor of a NTEH was always permitted within the “V” zone, and selected commercial uses might be permitted upon obtaining planning approval. According to DLO/YL, there was currently no application for Small House development on the site. Relevant approval conditions had been recommended in the planning approval to address the technical concern of departments. To respond to the public concern and to monitor the situation on the site, a shorter approval period of 1 year, instead of the period of 3 years sought and shorter compliance periods were recommended to ensure the required landscape, drainage and fire service installations facilities be implemented on-site as soon as possible should the application be approved.

138. A Member enquired whether the application site was subject of any illegal filling. In response, Miss Paulina Y.L. Kwan replied that according to records, upon a complaint lodged with Drainage Services Department about illegal filling in 2007, the matter was referred to DLO/YL. DLO/YL would however not take any enforcement action from the lease point of view. As for the planning aspect, as detailed in paragraph 4 of the Paper, the site was involved in a planning enforcement case concerning office use, parking of vehicles and storage use (including deposit of containers). Enforcement Notice was issued to the registered land owners and occupier on 4.11.2008, which subsequently expired on 4.2.2009. Recent site inspection by the Planning Authority revealed that the unauthorized development had been partially discontinued.

Deliberation Session

139. Members considered that a shorter approval period for 1 year would be appropriate for close monitoring of the development and site situation. A Member, nonetheless, expressed the concern that approving the application had not addressed the

villagers' compliant of illegal filling of the site. In response, the Chairperson remarked that the consideration of the issue on land filling in "V" zone and "GB" zone was different. The Secretary supplemented that according to legal opinion, planning application should not be mixed up with enforcement which were under two different procedures. The applicant of planning applications should not be penalized for a previous act (such as land filling) done by a third party. As such, the main concern of the current application was whether or not the proposed land use could be supported in the "V" zone. Members considered that the use in the "V" zone could be approved on a temporary basis.

140. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 8.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the provision of boundary fence for setting out the application site boundary within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2009;
- (c) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2009;
- (d) in relation to (c) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (e) 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 8.8.2009;
- (f) in relation to (e) above, the implementation of drainage facilities within

6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2009;

- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2009;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.11.2009;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter approval period and compliance periods were allowed to monitor the development on the site and the progress on compliance with approval conditions;
- (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, Lands Department's comments that his office reserved the right to take lease enforcement action against the unauthorized structures erected on the site. Earlier record indicates that a strip of Government land and portions of Lots 223 S.A and 222 in D.D. 112 on the northern and eastern parts of the site had been fenced off and provided with the vehicular access for the site without his permission. The applicant needs to clarify if he had set back the site boundary to exclude these extensions from the site. His office might take action against the unlawful occupation of Government land. The registered owner of the relevant lot should apply for Short Term Waiver (STW) to regularize the irregularities on the site. It was noted that the site involved portions of lot. It was his policy to grant STW on whole lot basis (i.e. not on portion of a lot). As such, for the purpose of applying for STW, the owner should carve out the lot concerned according to the application site boundary if only portion of the lot concerned was within the application site boundary. Should no STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. Moreover, the site was accessible to Kam Sheung Road via private land and a parcel of allocated Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department was not/should not be responsible for the maintenance of of any existing vehicular access connecting the site and Kam Sheung Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (g) note that if the conifers already planted on the site were to be maintained, they should be indicated as 'existing plants' on the landscape plan. Moreover, if there were power lines above the site, the proposed *Ficus microcarpa* might not be a suitable species for the site;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage proposal to be submitted under approval condition (e) above should demonstrate that the runoff generated from the site or passing through the site would be collected and discharged via a proper discharge point. The development should neither obstruct overland flow nor adversely affect any existing watercourse, village drain or ditch and the adjacent area;
- (i) note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development;
- (j) note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix II of the Paper;
- (k) 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 said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also

drawn to the requirements on the provision of emergency vehicular access (EVA) to the buildings to be erected on-site under B(P)R 41D; and

- (l) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132KV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/425 Temporary Open Storage of Plastic Goods
including Containers and Road Signs for a Period of 3 Years
in "Undetermined" zone,
Lots No. 1415 RP, 1416 RP and 1426 in D.D. 119
and Adjoining Government Land,
Shan Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/425)

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

Presentation and Question Sessions

142. 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 plastic goods including containers and road signs for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and environmental nuisance was expected;
- (d) 1 public comment was received during the statutory publication period from two Yuen Long District Council members raising objection to the application on environmental ground. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the TPB PG-No.13E. There were similar applications in this part of the “U” zone that had been approved with conditions. The proposed development was not incompatible with the surrounding areas. Although DEP did not support the application as there were sensitive receivers of residential structures in the vicinity of the site, there were no environmental complaints in the past 3 years. Relevant approval conditions had been recommended to address DEP's concern. Non-compliance with the approval conditions would result in revocation of the planning permission. A shorter approval period of 2 years was granted to the last application (No. A/YL-TYST/340) for monitoring the development on the site and the applicant had complied with the approval conditions. Since the operation of the site was generally

satisfactory over the last planning approval period with no complaint received, an approval period of 3 years, as sought, could be allowed for the current application should it be approved. Relevant approval conditions were recommended to address the public concerns.

143. Members had no question on the application.

Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (f) the 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 8.11.2009;
- (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 8.2.2010;

- (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 8.11.2009;
- (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 8.2.2010;
- (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 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.

145. 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, Lands Department's comments that his office reserved the right to take lease enforcement/land control

action against the erection of the proposed open shed structure and the occupation of Government land if these were indeed found. It was noted that the applicant was not the registered owner of the lots concerned. As it was his policy to issue Short Term Waiver (STW) to the registered owner, should the application be approved, the owner should apply for STW to regularize any structures erected/to be erected on the site and the occupier should apply for Short Term Tenancy (STT) to regularize the occupation of Government land. Should no STW/STT application be received/approved and the irregularities persist on the site, his office on review of the situation would take appropriate action according to the established district lease enforcement and land control programme;

- (d) 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;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage proposal to be submitted under approval condition (f) above should show the existing drainage channel at the northern side of the site and the fall direction of the site. Moreover, the applicant should confirm whether there was any change to the existing drainage facilities already implemented on the site under the previous Application No. A/YL-TYST/340;

- (h) 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;
- (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 said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to the requirements on the provision of emergency vehicular access to all buildings to be erected on-site under B(P)R 41D; and
- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the

proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/427 Temporary Open Storage of Building/Recycling Materials and Construction Machinery with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone, Lots No. 369 RP (Part), 370 RP (Part), 371 S.A, 371 S.B (Part), 381 RP (Part), 382 RP, 383 RP, 384 to 388, 389 RP, 390 RP, 391 RP, 438 RP, 439 RP, 440, 444 to 449, 450 S.A, 450 S.B, 450 S.C, 451 to 458, 459 (Part), 471 (Part), 472 to 474, 475 S.A (Part) and 475 S.A ss.1 in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/427)

Presentation and Question Sessions

146. 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 building/recycling materials and construction machinery with ancillary packaging activities for a period of 3 years;
- (c) departmental comments – no adverse comments from concerned

Government departments were received;

- (d) 1 public comment was received during the statutory publication period from two Yuen Long District Council members raising objection to the application on environmental ground. No local objection was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the TPB PG-No.13E. Relevant approval conditions had been recommended for the planning approval to address technical concerns by the departments and public objection. Any non-compliance with the approval conditions would result in revocation of the planning permission. The proposed development was not incompatible with the surrounding areas. There were similar applications in this part of the “U” zone that had been approved with conditions. Besides, previous approval of Applications No. A/YL-TYST/194 and 309 for largely the same use had been granted at the site and the approval conditions had been complied with. Approval of this application was consistent with the Committee's previous decisions.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;

- (b) no cleansing and melting of plastic waste and workshop activities should be carried out on the application site at any time during the planning approval period;
- (c) the provision of boundary fence for setting out the application site boundary within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.11.2009;
- (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 8.11.2009;
- (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 8.2.2010;
- (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 8.11.2009;
- (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 8.2.2010;
- (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 8.11.2009;
- (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 8.2.2010;
- (j) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should

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

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

149. 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, Lands Department's comments that his office reserved the right to take lease enforcement/land control action against the erection of the structures and the occupation of Government land if these were indeed found. It was noted that the site involves portions of lots. As it was his policy not to grant Short Term Waiver to portion of a lot, should the application be approved, the registered owner should carve out the affected portions of the lots unless the other portions of the lot outside the site was free of any structure. Moreover, the site was accessible by an informal track leading from Kung Um Road which ran through open private land and Government land without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way;
- (d) 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;

- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage proposal to be submitted under approval condition (f) above should show the proposed extended area and the dimensions and the types of all the proposed and existing drainage facilities. As the site area had been extended, the applicant was required to update the previously approved drainage impact assessment to demonstrate that the extended site area would not cause any adverse drainage impact;
- (h) 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;
- (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 said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/428 Temporary Open Storage of Construction Materials and Recyclable Materials (including Metal, Paper and Plastic Goods) for a Period of 3 Years in “Undetermined” and “Village Type Development” zones, Lots No.1439 (Part) and 1440 S.A (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/428)

Presentation and Question Sessions

150. 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 and recyclable materials (including metal, paper and plastic goods) for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive uses in the vicinity and environmental nuisance was expected;
- (d) 1 public comment was received during the statutory publication period from two Yuen Long District Council members raising objection to the application on environmental ground. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper.

The application was generally in line with the TPB PG-No.13E. There were similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. The development was not incompatible with the surrounding areas. There were no environmental complaints in the past 3 years. Relevant approval conditions had been recommended in the planning approval to address DEP’s concerns and the public objection. Non-compliance with the approval conditions would result in revocation of the planning permission. As regards the minor portion (about 2.8%) of the site falling within the “Village Type Development” (“V”) zone, DLO/YL advised that there was no application for Small House development in this part of the “V” zone. Although the existing structure on the western portion of the site encroached onto the “V” zone, the applicant proposed to use the “V” zone area within the site for planting of trees. Relevant approval condition would be stipulated. A shorter approval period of 2 years was granted to the last application (No. A/YL-TYST/347) for monitoring the development on the site. During that 2-year approval period, the applicant had complied with the approval conditions. The current application for the same applied use was submitted by a different applicant and of a larger site area. Since the operation of the site was generally satisfactory over the last 2 years with no complaint received, an approval period of 3 years, as sought, could be allowed for the current application should it be approved.

151. Members had no question on the application.

Deliberation Session

152. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 8.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 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 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 repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers were allowed for the operation of the application site at any time during the planning approval period;
- (f) no open storage of any item and erection of any structure at the north-western portion of the application site within the “Village Type Development” (“V”) zone at any time during the planning approval period;
- (g) 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 8.11.2009;
- (h) in relation to (g) 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 8.2.2010;
- (i) 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 8.11.2009;
- (j) in relation to (i) 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 8.2.2010;

- (k) 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 8.11.2009;
- (l) in relation to (k) 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 8.2.2010;
- (m) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

153. 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) the encroachment of any existing structure on the north-western portion of the application site within the “V” zone should be rectified immediately in order to comply with approval condition (f) above;

- (d) note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the structure if it was erected at the site. It was noted that the applicant was not the registered owner of Lot 1439 in D.D. 119 and the site involved portion of the lot. As it was his policy to issue an Short Term Waiver (STW) to the registered owner on whole lot basis (i.e. not on portion of a lot), the registered owner of Lot 1439 in D.D. 119 should apply for STW if structures were intended to be erected thereon. For the purpose of applying for STW, the owner should carve out the lot concerned according to the application site boundary. Should no STW application be received/approved and the irregularities persist on the site, his office on review of the situation would consider take appropriate action according to the established district lease enforcement programme. Moreover, the site was accessible by an informal track leading from Shan Ha Road which ran through open Government land without maintenance works to be carried out thereon by his office;
- (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's comments that his Department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage proposal to be submitted under approval

condition (i) above should show the proposed drainage arrangement between the site and the connection point at Tin Tsuen Channel if the surface runoff collected from the site was ultimately discharged to Tin Tsuen Channel. The discharge point should also be shown on the drainage plan and the dimension of the proposed drainage facilities should be reviewed;

- (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;
- (j) note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (k) 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 said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage; and
- (l) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior

consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Item 45

Any Other Business

154. There being no other business, the meeting was closed at 5:55 p.m..