

TOWN PLANNING BOARD

**Minutes of 395th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 22.5.2009**

Present

Mr. Alfred Donald Yap

Vice-chairman

Mr. Tony C.N. Kan

Mr. Edmund K.H. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories West,
Transport Department

Mr. Y.M. Lee

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

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

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

Secretary

Absent with Apologies

Mr. David W.M. Chan

Professor David Dudgeon

Dr. C.N. Ng

Mr. Y.K. Cheng

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Director of Planning
Mrs. Ava S.Y. Ng

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. J.J. Austin

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of Minutes of the 394th RNTPC Meeting held on 8.5.2009

[Open Meeting]

1. The Secretary reported that the Chairman had other prior commitment and had sent her apologies for not being able to attend the meeting. The meeting was chaired by the Vice-chairman.
2. The minutes of the 394th RNTPC meeting held on 8.5.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Approval of Draft Plans

3. The Secretary reported that on 19.5.2009, the Chief Executive in Council approved the draft North Point Outline Zoning Plan (OZP) under section 9(1)(a) of the Town Planning Ordinance and the draft Wan Chai OZP under section 9(2) of the pre-amended Town Planning Ordinance. The approval of the two OZPs would be notified in the Gazette on 22.5.2009.

[Mr. Y.M. Lee arrived to join the meeting at this point.]

4. The minutes of another 'Matters Arising' item were recorded under confidential cover.

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/680 Proposed Shop and Services, Eating Place and School Uses
in “Residential (Group A)” zone,
60-68 Chik Chuen Street, Tai Wai, Shatin
(RNTPC Paper No. A/ST/680)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services, eating place and school uses;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department did not support the application since parking spaces and loading and unloading facilities up to the Hong Kong Planning Standards and Guidelines requirements were not provided. The Chief Building Surveyor/New Territories East, Buildings Department objected to the proposal under the Buildings Ordinance as the proposed site coverage of 97.46% exceeded the maximum permitted site coverage for a non-domestic building. The Director of Environmental Protection did not support the application as the application involved an intensification of development from an existing residential institution to an 11-storey building with mainly commercial activities and noise sensitive uses such as schools. There was no environmental assessment to demonstrate the environmental acceptability of the proposal in terms of noise, air quality or sewage impacts;
- (d) four public comments were received during the statutory publication period.

The Sha Tin Rural Committee objected to the height of the proposed building on grounds of air pollution and there was no demand for development for these uses. A Sha Tin District Councillor opined that the site was more suitable for development into a larger scale eating place of 3-4 storeys as Tai Wai had only small eating places. The Owners' Corporation of Hing Wan House/King Sing House adjoining the application site expressed worry about the structural safety of their own 35-year old buildings and the public safety during construction and the air ventilation upon completion of the proposed tall building. The Owners' Corporation of On Shun Building commented that road widening and more parking spaces for vehicles and motorcycles had to be provided before permitting more service industry in Chik Chuen Street as the traffic in Tai Wai was already congested; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed commercial centre with a building height of 11 storeys was not in line with the planning intention of the adopted Layout Plan No. L/ST3/1 covering Tai Wai area which was restricted to a building height of 6 storeys. The said height restriction was drawn up with reference to the adjoining Tai Wai Village which was restricted to a height restriction of 3 storeys. The approval of this application would set an undesirable precedent and attract similar applications from other lots within the same area. The cumulative effect of approving similar applications would destroy the character and environment of Tai Wai Village. The proposed development would also result in an increase in development intensity from an existing plot ratio of about 4 to a non-domestic plot ratio of 9.5. Insufficient information had been provided to assess whether it would increase the demand for transport and infrastructure facilities and overload the infrastructure capacity in the area. There were technical concerns on the proposed commercial development without any provision of loading/unloading and parking facilities. There was a lack of environmental assessment to demonstrate the environmental acceptability in terms of noise, air quality and sewage impacts.

6. Members had no question on the application.

Deliberation Session

7. A Member considered that the application should not be supported since it could cause traffic problems to the area.

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

- (a) the proposed 11 storey commercial development was not compatible with the surrounding area which were predominantly low-rise buildings of 4 to 6 storeys. There was no strong justification for a departure from the existing low-rise character of the area. The approval of the application would set an undesirable precedent for similar applications for high-rise development within the Tai Wai area. The cumulative effect of approving such applications would have negative impacts on the “Village Type Development” zone for Tai Wai Village in the vicinity;
- (b) the proposed redevelopment without any provision of parking spaces and loading/unloading facilities within the application site was not acceptable from the traffic point of view; and
- (c) no environmental assessment had been submitted to demonstrate that the proposed redevelopment would not cause adverse environmental and drainage impacts to the surrounding area.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/388 Temporary Retail Shop and Storage of Building Materials and Metalwares for a Period of 3 Years
in “Village Type Development” and “Agriculture” zones,
Lots 578 RP(Part), 579 RP (Part) and 580RP and
Adjoining Government Land in D.D. 83, Kwan Tei, Fanling
(RNTPC Paper No. A/NE-LYT/388)

Presentation and Question Sessions

9. The Committee noted that on 8.5.2009, the applicant requested for deferment of the consideration of the application for two months to allow time for him to further revise the environmental assessment.

Deliberation Session

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/317 Temporary Open Storage of Construction Machinery and
Construction Materials for a Period of 3 Years
in “Agriculture” and “Green Belt” zones,
Lots 1085, 1086, 1087, 1088 s.A, 1088 s.A ss.1, 1089,
1111 and 1112 in D.D. 82, (near Shui Hau), Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/317)

Presentation and Question Sessions

11. Ms. Stephanie P.H. Lai, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation advised that the area on the eastern side was a farm growing peach blossom and seasonal vegetables while another farm growing vegetables could be found in the vicinity on the western side. Besides, there were a number of fruit trees at the nearby knoll. As the agricultural activities in the area were active and the application site and its surrounding abandoned land were graded “good” agricultural land with “high” potential for agricultural rehabilitation, he did not support the application. The Director of Environmental Protection did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected, although, there were no pollution complaints regarding the application site in the past 3 years. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the development since the surrounding environment was generally

natural and green with many existing trees/tree groups of a typical rural character. The proposed development was considered not compatible with the existing landscape character and surrounding natural environment. When compared with the latest aerial photo, the site was converted from active farmland with a number of trees/orchards to an open storage area for construction machinery and materials. The approval of the application would set an undesirable precedent for future cases that would further deteriorate the existing landscape quality of the area;

- (d) one public comment indicating ‘no comment’ was received during the statutory publication period. The District Officer/North advised that the Indigenous Inhabitants Representative of Tong Fong had no comments on the application but remarked that the storage area had to leave a footpath for the villagers instead of blocking the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. The proposed development was considered not compatible with the existing landscape character and surrounding natural environment which was generally natural and green. Besides, the application did not comply with the TPB PG-No.13E in that no previous planning approvals had been granted for the application site and there were adverse departmental comments against the application. There was insufficient information in the submission to demonstrate that the proposed use under application would not have adverse environmental and landscape impacts on the surrounding areas.

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

12. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong justification were provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted to the application site and there were adverse departmental comments on the application; and
- (c) the proposed use would generate adverse environmental and landscape impacts on the surrounding areas.

[Ms. Maggie M.K. Chan arrived to join the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/318 Temporary Open Storage of Construction Equipment
for a Period of 3 Years
in “Industrial (Group D)” and “Agriculture” zones,
Lot 1376RP (Part) in D.D. 82 and Adjoining Government Land,
Ping Che, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/318)

Presentation and Question Sessions

14. Ms. Stephanie P.H. Lai, STP/STN, informed the meeting of a replacement page to

replace the comments of the Director of Environmental Protection (page 6 of the Paper) which had already been distributed to Member. She then 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 – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and environmental nuisance was expected, although, there was no record of environmental complaint for the past five years;
- (d) one public comment indicating ‘no comment’ was received during the statutory publication period; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments given in paragraph 12 of the paper. The application generally complied with the TPB PG-No. 13E in that there were no adverse departmental comments and local objections received against the application, and that the applicant had demonstrated genuine efforts in complying with approval conditions of the previous planning applications. The site was the subject of four previously approved applications and there was no material change in the planning circumstances since the previous temporary approval was granted and no significant change in land uses of the surrounding areas. All approval conditions for the previous applications had been complied with and as such, sympathetic consideration could be given to the application. The application site fell mainly within “Industrial (Group D)” (“I(D)”) zone with a minor portion within “Agriculture” (“AGR”) zone. The open storage use within “I(D)” zone was always permitted. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR”

zone.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2012, 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 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) all existing trees at the site should be maintained during the planning approval period;
- (f) the submission of car parking and loading/unloading proposals within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.11.2009;
- (g) in relation to (f) above, the implementation of car parking and loading/unloading proposals within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.2.2010;

- (h) 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 22.11.2009;
- (i) in relation to (h) 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 22.2.2010;
- (j) the submission of proposals on 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 22.11.2009;
- (k) in relation to (j) 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 22.2.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

17. The Committee also agreed to advise the applicant :

- (a) that 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 and Short Term Tenancy for the regularization of structures erected on the application site;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection and should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lot to WSD's standards;
- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all building works were subject to compliance with the Buildings Ordinance. Authorised Person must 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 Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorised works in the future;
- (f) to note the Director of Fire Services' comments on the following:
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part I and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in according with BS 5266: Part I 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 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 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) for those structures over 230m², 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
- (g) to 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/381 Proposed Eight Houses (New Territories Exempted Houses)
in “Agriculture” zone,
Lot 1891 and Extension in D.D. 7, Wai Tau Tsuen,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/381)

18. Dr. James C.W. Lau had declared an interest in this application as he had current business dealings with Philip So & Associates Consulting Civil & Geotechnical Engineers Ltd. and ATAL Engineering Ltd., which were the consultants for the applicant. The Committee noted that Dr. Lau had tendered apologies for being not able to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed eight houses (New Territories Exempted Houses);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the subject lot could be developed for residential use subject to a maximum built-over area of 25% of the lot area and no structure should exceed a height of 25 feet (i.e. 7.62m) in height. The Chief Engineer/Development(2), Water Supplies Department objected to the development since the proposed development was within the upper indirect water gathering ground and was in close proximity to the existing stream course. Any pollution to the nearby streamcourse by the proposed development would affect the downstream Lam Tsuen River. He considered that the submission from the applicant on the proposed

sewage treatment plant (STP) could not substantiate the capability, performance and operability of the system for treating domestic sewage to the effluent quality in full compliance with the standards for effluent discharged as stipulated in the Technical Memorandum under the Water Pollution Control Ordinance (WPCO). The Director of Environmental Protection (DEP) did not support the use of the proposed STP as a temporary measure for wastewater treatment for the residential development. He had reservation on the practicability and effectiveness of the proposed STP in achieving the stringent discharge control under the WPCO. Nevertheless, he would have no objection to the application provided that the proposed development would be connected to the future public sewers and the occupation of the proposed residential development would take place after connection to public sewer was available. The Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) advised that according to the latest proposed sewerage scheme under North District Sewerage Stage 2 Phase 1 for Wai Tau Tsuen, public sewerage connection points would be provided in the vicinity of the subject lot. The construction works were scheduled to commence in 2012 for completion in 2015/2016. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) did not support the application. The application site once contained a group of trees with dense tree crown, which was part of the continuous tree belt extending from the site to the eastern end of Wai Tau Tsuen. According to the development layout, the proposed houses and the STP would intrude into the root zone of the mature trees. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application since the development should be confined within the “V” zone as far as possible and such development if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) one public comment from a villager of Wai Tau Tsuen supporting the proposed development was received during the statutory publication period. He considered that the proposed development would make better use of the

idle site where illegal dumping and security problems were common. The District Officer/Tai Po, Home Affairs Department advised that the Village Representatives (VRs) of Wai Tau Tsuen objected to the application in a letter pointing out that the proposed development would damage the fung shui of Wai Tau Tsuen and affect the health and well-being of the whole village ; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 10 of the Paper. According to DLO/TP, LandsD, the subject lot was for residential use subject to a maximum built-over area of 25% of the lot area and a height of not exceeding 25 feet (i.e. 7.62m). This was equivalent to the proposed total domestic gross floor area (GFA) of 1551.6 m² under the application. The application site was entirely within the village 'environs' ('VE') of Wai Tau Tsuen. The proposed development was not incompatible with the surrounding rural character of the area. On the sewage issue, CE/PM, DSD advised that public sewage connection points would be provided in the vicinity of the site in 2015/2016. DEP had no objection to the application provided that the proposed development would be connected to the future public sewers and the occupation of the proposed residential development would only take place after connection to public sewer was available. CTP/UD&L's concerns on the preservation of existing trees could be addressed by suitable approval conditions. As for the concerns on traffic impact, the application site had building entitlement and the proposed development did not exceed the entitlement. Notwithstanding the objection from the villagers of Wai Tau on Fung Shui grounds, there was also public view supporting the proposed development for better use of the site. As there was a change in planning circumstance with the planned public sewer and that the technical problems were largely addressed, favourable consideration would be given to the proposed development.

20. In response to a Member's query, Mr. W.K. Hui said that the building entitlement under the lease was equivalent to the total GFA of 1551.6m² applied for. The same Member asked whether the building entitlement was the only factor for Planning Department's

recommendation of approval of the application. Mr. W.K. Hui advised that apart from the building entitlement, other factors including the compatibility with the surrounding environments, possibility to connect with the future public sewers, location within the village environs, etc. had also been taken into account in considering the subject application.

Deliberation Session

21. 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 22.5.2013, 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 of water pollution risks and impacts assessment to demonstrate that the proposed development would not cause any material increase in the pollution effect in the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the submission of site formation plans to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of protective measures to ensure no siltation would occur and no pollution to the water gathering grounds including the stream course to the south of the application site to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the connection of the foul water drainage system to public sewers when available to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of a detailed tree survey report and a landscape and tree

preservation proposal including a compensatory planting scheme prior to any site clearance or site formation works to the satisfaction of the Director of Planning or of the TPB;

- (g) in relation to (f) above, the implementation of the landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (h) 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.

22. The Committee also agreed to advise the applicant that :

- (a) the actual construction of the proposed development should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed development to be connected to the public sewerage network;
- (c) the applicant should make proper sewer connection from the proposed development to the public sewerage at his own cost;
- (d) the applicant should note that there were no existing Drainage Services Department (DSD) 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 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;

- (e) the applicant should pay continuing attention to the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (f) the applicant should note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines;
- (h) prior to establishing any structure within the application site, the applicant and his contractors should liaise with the CLP Power Hong Kong Limited (CLPP) to divert the existing low voltage (380V) overhead lines from the vicinity of the proposed development;
- (i) the applicant should employ an Authorized Person or qualified geotechnical engineers in carrying out a slope assessment and the implementation of stabilization works identified therein;
- (j) the applicant should implement measures to minimize the extent of trimming of trees as far as possible and was advised to substitute the proposed exotic species with native trees in the landscape proposal;
- (k) the applicant should apply to District Lands Officer/Tai Po, Lands Department for a lease modification to relax the building height restriction and to exempt the ancillary facilities from built over area calculation. However, there was no guarantee that approval to such modification would be given;
- (l) plans should be submitted to the Buildings Authority for approval prior to commencement of works if non-exempted site formation was involved; and

- (m) the applicant should note that Highways Department had planned to widen the Fanling Highway and the application site would be affected by traffic noise from the widened Fanling Highway. Noise mitigation measures should be appropriately implemented in the development in order to minimize the potential traffic noise impact.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as less than 50% of the proposed Small House fell within the village ‘environs’ of San Tong Village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning application as there were several fruit trees, mainly longan and lychee trees on the site and agricultural activities in the vicinity were currently active;
- (d) one objection letter with 23 signatures from San Tong villagers was received during the statutory publication period. The commenters

objected to the application on the ground of Fung Shui as the application site was in close proximity to the shrine of the Earth God which was established hundreds of years ago; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application was not in line with the planning intention of the “Agriculture” zone and there was no strong justification in the current submission for a departure from the planning intention. The proposed development did not comply with the interim criteria for consideration of application for NTEH/Small House development in that more than 50% of the footprint of the proposed house was outside both the village ‘environs’ and the “Village Type Development” zone of recognised villages.

24. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong justification in the current submission for a departure from the planning intention; and
- (b) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development in that more than 50% of the footprint of the proposed Small House fell outside the village “environs” and the “Village Type Development” zone of San Tong Village.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/396 Proposed Public Utility Installation (Electricity Package Transformer)
in “Agriculture” zone,
Government Land in D.D. 19, San Uk Tsai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/396)

Presentation and Question Sessions

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

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

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

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from 2 residents of San Uk Tsai was received during the statutory publication period. They objected to the application as the application site would be close to the dwelling units at No. 89 to 93 and the access road serving those dwellings. They were worried about the fire risk, and possible health and environmental impacts from the proposed electricity package substation; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 9 of the Paper. The proposed electricity package substation was required for the provision

of adequate and reliable power supply to the existing villages and future developments in the vicinity of the application site. The small-scale development was considered not incompatible with the village character of the surrounding areas. In view of the nature and design of the proposed electricity transformer, it was unlikely that the proposed use would have adverse impacts on the surrounding areas. The proposed package substation was previously approved by the Committee on 15.9.2006 under application No. A/NE-LT/363. As the villagers of San Uk Tsai Tsuen raised concern that the previous site would affect the existing vehicular access road, the subject application was a counter proposal supported by the village representative of San Uk Tsai Tsuen. As regards a local objection against the application, its location was in fact further away from the dwelling units mentioned by the objectors than the previously approved location.

27. Members had no question on the application.

Deliberation Session

28. 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 22.5.2013, 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 proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and

- (d) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

29. The Committee also agreed to advise the applicant that :

- (a) the applicant should apply to District Lands Officer/Tai Po, Lands Department for the construction and installation of the electricity package transformer under the Block Licence and for excavation permit for implementation of the proposal;
- (b) the applicant should strictly comply with the “Conditions for Working within Gathering Grounds” in Appendix III of the Paper;
- (c) the applicant should note that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) formal submission by an authorized person and/or a registered structural engineer for the proposed development was required prior to the commencement of the works under the Buildings Ordinance;
- (f) the applicant and his contractors should observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation (Cap. 406H) when carrying out any works in the vicinity of the electricity supply lines;
- (g) compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines should be verified by direct on-site measurements, to be performed by relevant parties, upon commissioning of the package transformer;

- (h) the applicant should note that there was no existing Drainage Services Department maintained public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems provided properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; and

- (i) the applicant should note that the application site was in an area where no public sewerage connection was available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development if necessary.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/280 Proposed Four Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Government land in D.D. 27, Sha Lan Village, Tai Po
 (RNTPC Paper No. A/NE-TK/280)

30. The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the application. Professor David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed four houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was covered with native trees and surrounded by densely wooded areas. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application and raised concern on the cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the eastern part of the site was covered with about 10 trees and undergrowth while the western part of the site was covered with undergrowth and tree seedlings. The approval of the application would set an undesirable precedent to other Small House applications in the area and the size of the existing vegetated buffer would decrease, degrading the overall landscape quality of the area. Adverse impact on existing landscape resource and landscape quality was anticipated;
- (d) one public comment from the WWF Hong Kong was received against the application. The commenter raised concern that the site was situated on steep slope and within natural woodland. The proposed development would cause a loss of woodland and might incur adverse landscape impact. The proposed development might be threatened by natural terrain hazard; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Although the application site fell entirely within the village ‘environs’

(“VE”) and there was a general shortage of land in meeting the Small House demand, the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The proposed NTEH/Small House development did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance as the site was situated on a steep slope, was covered with native trees and was surrounded by densely wooded areas providing a green backdrop for the village areas. Site formation and slope stabilization works would involve cutting of slopes and clearance of trees that could cause adverse landscape impacts on the surrounding environment.

32. Noting that the site was within “VE”, a Member asked why it was zoned “GB” on the outline zoning plan. Mr. K. W. Hui replied that the “VE” was drawn up by Lands Department under the Small House policy in 1972 which covered the area within 300ft from the Small House at the periphery of a recognized village. Not all land within the “VE” was suitable for village house development. When designating the “V” zone for any village on the outline zoning plan, PlanD would take into account such factors e.g. topography, site characteristics, vegetation cover, etc. The subject site was covered with dense vegetation and was considered not suitable for village house development, even though it falls within the “VE”.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain

urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was insufficient information in the submission to justify a departure from this planning intention;

- (b) the application did not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that it would involve cutting of slopes and clearance of trees and natural vegetation that could cause adverse landscape impacts on the surrounding area; and
- (c) 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.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/417 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 101 S.A RP in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/417)

Presentation and Question Sessions

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

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

- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape objected to the application as the site fell entirely within the “Green Belt” (“GB”) zone. The area surrounding the site was generally undeveloped and covered with vegetation. The edge of the grassland in the “GB” zone helped define the boundary of the existing villages. Approval of this application would set an undesirable precedent to similar applications of NTEH in the area. It was likely that the cumulative impact of Small House developments in the area would lead to degradation of the “GB” zone and intensify development on the rural hillsides would adversely affect the existing landscape quality. The Assistant Commissioner for Transport/New Territories had reservation on the application. Although traffic associated with the proposed development was not expected to be significant, the proposed development, if permitted, would set an undesirable precedent case for similar applications and accumulate substantial adverse traffic impact. The NTEH development should be confined within the “Village Type Development” (“V”) zone as far as possible;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zoning and there was a general presumption against development within this zone. There was no justification in the submission to justify a departure from this planning intention. Village expansion was confined to the east of Tung Tsz Road, which could serve as a good physical boundary between the “V” and the “GB” zones. The approval of the application would set an undesirable precedent for similar House/Small House developments within the “GB” zone to the west of Tung Tsz Road. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.

A/TP/423 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lots 328, 339 S.A, 345 S.A and 346 S.A in D.D. 32,
Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/423)

37. The Secretary reported that the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the applications. Professor David Dudgeon had declared interests on these applications as he was a member of the Management and Development Committee of WWF. The Committee noted that Professor Dudgeon had tendered apologies for being unable to attend the meeting.

38. Noting that Applications No. A/TP/422 and 423 were similar in nature and the application sites were close to each other within the same zone, the Committee agreed to consider the two applications together.

Presentation and Question Sessions

39. Mr. W.K. Hui, DPO/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) a proposed house (New Territories Exempted House - Small House) each for applications No. A/TP/422 and A/TP/423;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories had reservation on both applications. Although traffic associated with the proposed development was not expected to be significant, the proposed development, if permitted, would set an undesirable precedent case for similar applications and accumulate substantial adverse traffic impact;
- (d) two public comments were received during the statutory publication period from Kadoorie Farm and Botanical Garden Corporation and World Wild

Fund Hong Kong. They expressed concerns on degradation of the environment nearby, the loss of function of “Green Belt” (“GB”) zone, the need to propose compensatory planting measures, encroachment on and possible destruction of a natural stream in close proximity and potential landslide risk due to Small House developments adjacent to steep slope; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The applications complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that more than 50% of the proposed Small House footprints fell within the village ‘environs’ (‘VE’) and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone. The relevant landscape and tree preservation proposals were considered acceptable. The proposed developments were considered not incompatible with the surrounding rural environment. Regarding public comments on the encroachment of “GB” zone, sympathetic consideration could be given to these applications as it met the assessment criteria for NTEH/Small House developments. Further encroachment of the “GB” zone by similar developments was unlikely as most of the undeveloped “GB” zone in the vicinity was outside the ‘VE’ boundary.

40. Noting that application Nos. A/NE-TK/280 and A/TP/417 were very similar to the subject two applications, all of which fell within “GB” zones, a Member asked PlanD representative to explain the differences between these applications and the reasons for the different recommendations by Planning Department. In reply, Mr. W.K. Hui said that the Small House development under Application No. A/NE-TK/280 would involve the cutting of the slope and clearance of vegetation and the Small House development under Application No. A/TP/417 would lead to proliferation of Small Houses development to the west of Tung Tsz Road which was the physical boundary previously agreed by the Board to separate the “Village Type Development” zone and “GB” zone. For these reasons, Planning Department did not support these two applications. However, for the subject applications, the two proposed Small Houses were close to the village proper and mainly served as infilling of the

village development area. Furthermore, a similar application for Small House development (Application No. A/TP/409) adjacent to the subject applications was approved in December 2008.

Deliberation Session

41. After deliberation, the Committee decided to approve applications No. A/TP/422 and A/TP/423, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permission should be valid until 22.5.2013, and after the said date, each of the permission should cease to have effect unless before the said date, the respective development permitted was commenced or the permission was renewed.

42. Application No. A/TP/422 was subject to the following conditions :

- (a) the submission and implementation of landscaping proposal including compensatory planting of at least 1 heavy standard size tree to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

43. The Committee also agreed to advise the applicant of Application No. A/TP/422 that :

- (a) the applicant should make site formation submissions 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;
- (b) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;

- (c) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the proposed septic tank;
- (e) detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department;
- (f) the applicant should implement preventive measures to avoid causing disturbance to the seasonal stream nearby; and
- (g) the applicant should note the comments of Water Supplies Department that an existing water main as shown on Plan A-2 of the Paper passing through the boundary of the application site would be replaced or rehabilitated under the project Agreement No. CE10/2008(WS). Construction works was scheduled to commence in 2010 for completion in 2015. Access and sufficient works site should be provided for execution of the proposed works.

44. Application No. A/TP/423 was subject to the following conditions :

- (a) the submission of landscaping and tree preservation proposals including a site formation plan prior to commencement of site formation works to the

satisfaction of the Director of Planning or of the TPB;

- (b) the implementation of the approved landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (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.

45. The Committee also agreed to advise the applicant of Application No. A/TP/423 that:

- (a) the applicant should make site formation submissions 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;
- (b) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (c) water mains in the vicinity of the application site could not provide the standard fire-fighting flow;
- (d) the applicant should note that there were no existing Drainage Services Department maintained public stormwater drains available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the

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

- (e) the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the proposed septic tank;
- (f) detailed fire safety requirements would be formulated by the Fire Services Department upon formal referral from the Lands Department;
- (g) the applicant should implement preventive measures to avoid causing disturbance to the seasonal stream nearby; and
- (h) 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.

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

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. W.M. Lam, 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 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/181 Temporary Vehicular Access Road, Car Parking Spaces, Sitting Out Area, Children's Play Area and Plantation for Trees for a Period of 3 Years in "Green Belt" zone, Lot Nos. 1558 (Part), 1559 (Part), 1560 (Part), 1564 (Part), 1565 (Part), 1566 (Part), 1567 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/181)

Presentation and Question Sessions

46. 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 vehicular access road, car parking spaces, sitting out area, children's play area and plantation for trees for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one comment from a member of the public supporting the application was received; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The predominant use of the application site was for 6 public car parking spaces, and vehicular access which were intended to serve nearby new developments and inner parts of the areas. The vehicular access within the site ranges from 7m (at the public car park) to over 20m (at the southern park near the entrance). The area proposed for the vehicular access did

not tally with the limited number of parking spaces and houses it was meant to serve and therefore was considered excessive. Besides, the road layout provided in the submission was unclear and could not demonstrate that the proposal would not create road safety problems or affect the adjacent Small House developments. Furthermore, no similar application was previously approved in the same and nearby “GB” zones, the approval of the application would set an undesirable precedent for similar application within “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and further extensive clearance of existing landscape.

47. Members had no question on the application.

Deliberation Session

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

- (a) the proposed width and area for the vehicular access serving only 6 car parking spaces and a few adjacent houses was considered excessive;
- (b) the proposed road layout was unclear and failed to demonstrate that the proposal would not create road safety problems or affect the adjacent Small House developments; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “Green Belt” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/182 Proposed Temporary Vehicle Park
(Private Cars and Light Goods Vehicles) for a Period of 3 Years
in “Village Type Development” and “Comprehensive Development
Area” zones, Lots 798 S.A-H, 798 S.I(Part), 798 S.J(Part), 798
S.K(Part), 798 S.L, 798 RP, 799 S.A(Part), 799 S.B-R, 799 RP, 799
S.S, 800 S.A, 800 S.B(Part), 800 S.C-G, 800 S.H(Part), 800 S.I(Part),
800 S.J(Part), 800 S.K(Part), 800 S.L-R, 800 RP, 800 S.S-U, 801, 804
S.B ss.3 S.A(Part) and 804 S.B ss.3 RP(Part) in D.D. 130, Lam Tei
Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/182)

Presentation and Question Sessions

49. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary vehicle park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the introduction of the proposed temporary car park may cause concerns in terms of the likely conflict between the locals and drivers to the proposed car park. The conflict might disturb the harmony of the community, causing road safety concerns, and unexpected traffic queue during on-street loading and unloading operations. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that several trees, though not of rare species, were in fair to good condition and attributed to the existing village and residential setting. The vehicle park

layout with the proposed internal vehicular access running along the site boundary was unacceptable, as most of the trees would have to be removed to accommodate the access. The applicant should review the vehicle layout with a view to preserve all the trees on site. The information submitted by the applicant failed to demonstrate that the existing trees would be preserved and as such, he had some reservations on this application;

- (d) 13 public comments were received during the statutory publication period. 11 of the public comments were from the Incorporated Owners of Botania Villa, Owners Committee of The Sherwood, the Miu Fat Buddhist Monastery and private individuals who objected to the application on the grounds of traffic and road safety concerns, environmental nuisances and land use compatibility as well as landscape issues. They pointed out that Lam Tei Main Street was a one-way narrow rural road which had no designated footpath. It was a busy street with shops, stalls, eating places on both sides and was used by local people as the main walking route to Castle Peak Road and that the traffic generated by the proposed vehicle park would overstrain the capacity of Lam Tei Main Street, adversely affect the traffic flow, worsen the vehicle-pedestrian conflict and pose safety hazard to pedestrians and drivers. Moreover, the emission and noise from the vehicles would adversely affect the residential development, village houses, elderly home and secondary school in its close proximity. One public comment supported the proposed vehicle park on the grounds that it would ease the parking demand generated by the local residents and visitors, although he also expressed concern that the proposed ingress/egress would cause inconvenience to pedestrians and drivers, and that the potential environmental nuisance should be minimized. Another public comment indicated that the site involved a lot which was not under the ownership of the applicant; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The traffic generated from the temporary vehicle park would likely cause adverse impact on the traffic flow and road safety problem along Lam Tei

Main Street. The proposed open-air public car park with 100 private car parking spaces and 50 light goods vehicle parking spaces was not compatible with the surrounding developments including residential development, school and elderly home. Interface issues such as noise nuisances and vehicular emissions were expected. According to the proposed layout for the vehicle park, some of the existing trees on-site would be removed/affected. Granting permission to the application would set an undesirable precedent for similar applications.

50. Members had no question on the application.

Deliberation Session

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

- (a) the proposed temporary vehicle park would impose adverse road safety concerns on the Lam Tei Main Street and there was no submission of assessment to demonstrate that the proposed development would not generate adverse traffic impact on the area; and
- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within “Village Type Development” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

[The Vice-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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/166 Proposed Temporary Institutional Use and Religious Institution
for a Period of 5 Years in “Residential (Group B)” zone,
Tai Kei Leng, Shap Pat Heung Road, Yuen Long
(Ex-Ling Man School)
(RNTPC Paper No. A/YL/166)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary institutional use and religious institution for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) three public comments were received during the publication period. The Village Representative and villager of Tai Kei Leng relayed objections and complaints from the nearby villagers relating to the church component on fungshui grounds. The Owners’ Committee of Sereno Verde objected to the application and suggested to use the application site for recreational purposes such as basketball court, badminton court, etc. for the enjoyment of the nearby residents. The District Officer/Yuen Long (DO/YL) also forwarded the same objection letter to the Board; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 11 of the paper. The proposed temporary

community services centre would be accommodated within vacated school premises and was considered not incompatible with the surrounding uses which were predominantly low-rise village houses and a medium-rise residential development. The short-term nature of the proposed development would not frustrate the long term planning intention of the site. As there would not be any alteration or extension to the existing building nor tree felling, adverse impact on the rural fringe landscape character of the area was unlikely. The proposed temporary community services centre was small in size with about 40-60 visitors expected each day. Significant adverse environmental, drainage and traffic impacts on the surrounding area were not expected. Notwithstanding the adverse public comments on fengshui, the applicant had received support from the Village Representative and Yuen Long District Council Member. As for the public comment on shortage of recreational facilities, adequate open space had been reserved in the vicinity of the site to meet local demand. In order to tally with the duration of the STT granted, a shorter approval period of 1 year was recommended instead of the 5 years sought

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 5 years sought, until 22.5.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the maintenance of existing drainage facilities at all times during the planning approval period to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the maintenance of the existing vegetation at all times during the planning approval period to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission of fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2009;
- (d) in relation to (c) above, the implementation of fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2009;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any 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.

55. The Committee also agreed to advise the applicant :

- (a) that shorter approval and compliance periods were granted to tally with the approved Short Term Tenancy obtained by the applicant;
- (b) to note District Lands Officer/Yuen Long's comments that the term of the proposed STT was one year certain and thereafter half-yearly whereas the total permitted built over areas should not exceed 500m² which was the built over area of the structures or buildings existing on the subject site. In addition, the site area of 1,150m² as stipulated in the application was subject to clarification;
- (c) to note the Director of Fire Services' comments that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the

requirements at Appendix II of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix II of the Paper, the applicant was required to provide justifications to his department for consideration;

- (d) to 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) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that HyD was not responsible for the maintenance of any existing vehicular access connecting the application site and Shap Pat Heung Road or Tai Kei Leng Road;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that existing water mains would be affected. A waterworks reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of the Paper should be provided to WSD. No structure should be erected over this Waterworks Reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all time to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. Besides, water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (g) to note the Buildings Department's concerns on structural integrity, provision of means of escape, fire resistance construction and other relevant aspects of the existing building as no such information was provided, which could be considered in the context of the STT; and

- (h) to liaise with the residents of Tai Keng Leng and the Owners' Committee of Sereno Verde to further explain the proposed development and address their concerns.

[The Vice-chairman thanked Mr. W.M. Lam, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lam left the meeting at this point.]

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/614 Temporary Warehouse of Construction Materials and Workshop
for a Period of 3 Years
in "Residential (Group D)" and "Residential (Group C)" zones,
Lot No. 1028 S.B RP (Part) in D.D.124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/614)

Presentation and Question Sessions

56. 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 construction materials and workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive users in the vicinity of the site and along the access roads (Hung Chi Road and Hung Shui Kiu Main Street) and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The sites fell within Category 3 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The application was not in line with the TPB PG-No. 13E in that no previous approval for warehouse and workshop use was granted for the site, and there was no information in the submission to address the adverse comments from DEP and demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas. The use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone. Approval of the subject application would not only frustrate upgrading of the site for residential use, but also that of the nearby sites due to potential industrial/residential interface problems. There was no similar application approved previously in the “R(D)” zones and approval of the application would set an undesirable precedent and encourage other similar applications within the subject and other “R(D)” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

57. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, which was for improvement and

upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into low-rise, low-density permanent residential buildings subject to planning permission from the Board;

- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval for warehouse and workshop use had been granted for the site, there were adverse departmental comments and there was no information in the submission to demonstrate that the development would not have adverse environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/615 Proposed Public Utility Installation (Telecommunications Electronic Microwave Repeater (Microcell Base Station))
in “Agriculture” zone,
Government Land near Lot No. 393 RP in D.D. 128,
Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/615)

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

59. 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 public utility installation (telecommunications electronic microwave repeater (microcell base station));
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) objected to the planning application and advised that the proposal was in conflict with 3 existing mature trees along the roadside which as a tree group in mature form, comprised a very crucial landscape resource on Government Land contributing to the local green setting. The proposed development would require removal of these trees or cause serious damage to the tree roots. The applicant should explore another suitable site with less landscape impact for the proposed development;
- (d) 2 public comments from local residents were received during the publication period. A commenter objected to the proposal because the proposed base station was too close to his residence and would affect the feng shui and hence his families' health. Another commenter objected on the grounds that it was too close to his village and would pose psychological disturbance to the villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed development would required to remove 3 mature trees or cause serious damage to their roots and as such CTP/UD&L, PlanD objected to the application and advised the applicant to explore another suitable site with less landscape impact for the proposed development. The applicant had not provided any information to demonstrate how this issue could be addressed or mitigated. Moreover, noting that the nearest residential dwelling was only about 20m away and directly fronting the proposed development, the Planning Department considered that there were alternative sites along this section of Deep Bay Road which were further

away from residential dwellings and could therefore be more acceptable to the commenters/local community.

60. Members had no question on the application.

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

Deliberation Session

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

- (a) the proposed development would require removal of 3 existing mature trees or cause serious damage to their roots, and would therefore have adverse landscape impact; and
- (b) the applicant had not demonstrated the lack of alternative sites for the proposed development in the area. It was noted that there was Government land in the vicinity of the site along this section of Deep Bay Road which could be considered for the proposed development.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/603 Temporary Logistics Centre and Open Storage of Containers
for a Period of 3 Years in “Recreation” zone,
Lots No. 490 (Part), 492 (Part), 493 and 494 (Part) in D.D. 125,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/603)

Presentation and Question Sessions

62. The Committee noted that on 12.5.2009 the applicant requested for a deferment

of the consideration of the application for two months to allow time for him to complete the traffic and drainage assessments.

Deliberation Session

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

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/623 Temporary Open Storage of Containers for a Period of 1 Year
in “Green Belt” and “Comprehensive Development Area” zones,
Lots 167 (Part), 168 (Part), 169 (Part), 171 (Part), 172 (Part),
173 (Part), 175 (Part), 176 (Part), 177 (Part), 178 (Part), 179,
181 (Part), 182, 183, 184, 185, 192 S.A, 257 (Part), 258 (Part) and
259 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/623)

Presentation and Question Sessions

64. The Committee noted that the applicant requested on 4.5.2009 and 6.5.2009 for a deferment of the consideration of the application for two months to allow time for him to submit supplementary justifications on the traffic aspect.

Deliberation Session

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

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/190 Proposed Temporary Open Storage of Construction Materials and Metalware for a Period of 3 Years in “Residential (Group E)” zone, Lots 2228 S.A (Part), 2228 S.B(Part) and 2266 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/190)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials and metalware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site and the access road (Lau Fau Shan Road) and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The planning intention of the “Residential (Group E)” zone was primarily for the phasing out of existing industrial uses through redevelopment for residential use on application to the Board. The proposed temporary open storage of construction materials and metalware was not compatible with the surrounding uses to its east which was a predominantly rural neighbourhood where no planning approval for similar temporary open storage uses had been given. The sites fell within Category 2 areas under the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The application was not in line with the TPB PG-No. 13E in that there were adverse comments from Government departments concerned on the environmental aspect. Insufficient information in the submission had been provided to demonstrate that the development would not have adverse environmental impacts on the surrounding area. The applicant had not addressed the potential environmental impacts on other sensitive receivers located along Lau Fau Shan Road.

67. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development would defeat the planning intention of the “Residential (Group E)” zone which was primarily for the phasing out of existing industrial uses through redevelopment for residential use on application to the Board;

- (b) the proposed development was not compatible with the nearby residential dwellings; and
- (c) the proposed development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there were adverse departmental comments from concerned Government department on the environmental aspect against the application, and the submitted assessment failed to demonstrate that the development would not have adverse environmental impacts on the surrounding areas.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/173 Proposed Land and Pond Filling for Permitted Agricultural Use
in “Village Type Development” zone,
Lot 1885 RP (Part) in D.D. 105, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/173)

Presentation and Question Sessions

69. The Committee noted that the applicant requested on 13.5.2009 for a deferment of the consideration of the application to allow time for him to consult relevant Government departments and respond to their concerns. The applicant planned to submit supplementary information before 22.6.2009

Deliberation Session

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/174 Temporary Shop and Services
(Hardware Grocery Shop and Real Estate Agency)
for a Period of 3 Years in “Residential (Group C)” zone,
Lot 3250 S.B ss.10 S.C RP (Part) in D.D. 104 and
Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/174)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (hardware grocery shop and real estate agency) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from the Fairview Park Property Management Ltd was received during the statutory publication period. It objected to the application as the development would increase traffic burden to the surrounding area especially Fairview Park Boulevard and Man Yuen Road, which were private roads, and would cause adverse impacts on noise and road safety to the surrounding area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The development provided supporting retail and estate services to residential areas in the vicinity and therefore in line with the planning intention of the “Residential (Group C)” zone. The development was not incompatible with the surrounding land uses which included plant nursery and gardening, car park, open storage of construction materials, restaurant, school and low-density residential areas. As the site was located at a significant distance from the fish ponds and wetlands in the Deep Bay area, was separated by the major residential developments at Fairview Park, and the proposed scale of development was minor (about 370m²), the envisaged off-site impacts on the wetlands and fish ponds would be insignificant. Regarding the public comments on the adverse impacts on noise, traffic and road safety, it was considered that the small scale of the development would unlikely generate significant impacts on the surrounding environment.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

72. Members had no question on the application.

Deliberation Session

73. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2012, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no cutting, dismantling, cleansing, repairing, compaction and workshop activity were allowed on the site at any time during the planning approval period;

- (c) 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 22.11.2009;
- (d) in relation to (c) 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 22.2.2010;
- (e) the implementation of the accepted 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 22.11.2009;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2009;
- (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 22.2.2010;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; 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.

74. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before

commencing the applied use at the application site;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site ;
- (c) to seek owners' consent on the use of Fairview Park Boulevard and Man Yuen Road;
- (d) to note District Lands Officer/Yuen Long's (DLO/YL) comments that his Office would not guarantee right-of-way. It was noted that the site involves portion of lot and the applicant was not the registered owner of the lot concerned. It was their policy not to grant Short Term Waiver (STW) to portion of a lot or to a person other than the registered owner. The registered owner of the relevant lot/occupier should apply for STW/Short Term Tenancy, and the affected portion of lot should be properly carved out for the application unless the other portion of the lot outside the site was free of any structure. His Office reserved the rights to take lease enforcement/land control action against irregularities;
- (e) to 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 Fairview Park Boulevard;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's comments to consult DLO/YL or relevant lot owners should be consulted as regards all proposed drainage works to be carried outside the lot boundary or the applicant's jurisdiction;
- (g) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (h) to 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 unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Provision of emergency vehicular access was applicable under Building (Planning) Regulations 41D; and

- (i) to 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 the 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 and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/365 Temporary Open Storage of Second Hand Motor Vehicles
(including Medium Goods Vehicles and Container Tractors but
excluding Trailers) for Sale and a Covered Works Area
for a Period of 3 Years in “Residential (Group D)” zone,
Lots 52 RP (Part), 61 (Part), 62 (Part), 64 RP (Part)
and 65 RP in D.D. 105 and Adjoining Government Land,
San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/365)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of second hand motor vehicles (including medium goods vehicles and container tractors but excluding trailers) for sale and a covered works area for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application because there were sensitive receivers in the vicinity of the site and environmental nuisance was expected. However, no pollution complaint against the site was received from 2006 to Jan-February 2009;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. There was no immediate development proposal for this part of the “Residential (Group D)” (“R(D)”) zone. The use under application was considered not incompatible with the surrounding land uses, which include open storage of vehicle parks, vehicle parks (including container vehicle parks) and vehicle repair workshops. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone. The sites fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was in line with TPB PG-No. 13E in that there were previous approvals, there was no major change in the planning circumstances in the area and no local objection was received. Regarding DEP’s comment, there was no environmental complaint against the site received in the past three years and there was no local objection received on environmental aspects in the current application. Approval of the subject application was in line with the Committee’s previous decisions.

76. In response to a Member’s question, Mr. Anthony C. Y. Lee said that the motor vehicles as shown on Plan A-4 were mainly second hand motor vehicle for sale.

Deliberation Session

77. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no trailers were allowed to be parked on the site at any time during the planning approval period;
- (b) no night-time operation between 6:00 p.m. to 9:00 a.m. on weekdays and between 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no cutting, dismantling, repairing and workshop activity, including container repairs and vehicle repairs, was allowed on the site during the planning approval period;
- (e) the existing fencing on the site should be maintained at all times during the planning approval period;
- (f) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-ST/179 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.11.2009;
- (i) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2009;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2010;
- (k) the submission of a proper run-in proposal for the site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.11.2009;

- (l) in relation to (k) above, the provision of a proper run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 22.2.2010;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (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.

78. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note District Lands Officer/Yuen Long's (DLO/YL) comments that the application site includes Old Schedule Agricultural Lots held under Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office. The submission mentioned that there were one 2-storey site office of covered area of about 58m² and one covered works area of about 164m² on-site. The site also included some Government Land, portion of which was covered by a valid Short Term Tenancy (STT) No. 1923 for the purpose of open storage of second-hand

motor vehicles (including private cars and tractors but excluding trailers) with ancillary workshop and office whereas a small portion fronting Shek Wu Wai Road was occupied without permission. His Office reserved the right to take lease enforcement/land control action against these irregularities, if indeed found in due course. An offer on 6.2.2004 of a Short Term Waiver (STW) for the purpose of workshop and office ancillary to open storage of second-hand motor vehicles (including private cars and tractors but excluding trailers) was not accepted by the registered landowner of Lot 52RP in D.D. 105 and his Office had received no fresh application for regularization of the above-mentioned irregularities up to the present. However, in view of the undertaking mentioned in Appendix Ib of the Paper, his Office had no objection to the application if the registered owner of Lot 52RP in D.D. 105 accepted the offer of the STW and cleared the payment due. It was noted that the application site involved portions of lots and the applicant was not the registered owner of the lots concerned. As it was LandsD's policy not to grant STW to portion of a lot nor to a person other than the registered owner, should planning approval be granted, the registered owners of the relevant lots/occupier should be reminded to apply for STW/STT to regularize the irregularities on-site and the affected portions of lots should be properly carved out for the application unless the other portion of the lot outside the application site was free of any structure. The application site was accessible by a short track from Shek Wu Wai Road, which ran through open Government Land without maintenance works to be carried out thereon by his Office. His Office would not guarantee right-of-way;

- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's (CE/MN, DSD) comments that the applicant was fully responsible for the proper maintenance of the drainage facilities on-site. The applicant was required to ascertain that any of the existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. Peripheral channels should be provided around and within the site boundary. No public stormwater drainage maintained by CE/MN, DSD was currently available for connection. The

area was likely being served by some of the existing local village drains. The village drains were probably maintained by DO/YL. If the proposed discharge point was to these drains, the applicant should seek an agreement from the relevant department on the proposal. No public sewerage maintained by CE/MN, DSD was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection should be obtained. The applicant was reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. In case encroachment was found to be necessary, the applicant should consult DLO/YL regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the application site in future. All proposed drainage facilities, if any, should be constructed and maintained by the applicant at his own cost;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the Director of Fire Services’ comments that fire service installations (FSIs) were anticipated to be required in consideration of the design/nature of the proposed structures. 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 FSIs, justifications should be provided to his department for consideration;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that the access proposal should also be submitted to Transport Department (TD) for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the

latest version of HyD Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set as appropriate to match the pavement type of adjacent footpath. At present, there was no HyD standard run-in on-site;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices 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 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 wide, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (i) to note the Director of Food and Environmental Hygiene's advice that operation of the proposed development would not cause any environmental nuisance to the surroundings; and the proposed land user was responsible for removal and disposal of trade refuse generated by the proposed land user and its ancillary facilities.

[The Vice-chairman 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/324 Temporary Animal Boarding Establishment (Kennel)
and Breeding Area for a Period of 3 Years
in “Agriculture” zone,
Lot 1427 (Part) in D.D. 107, Shui Mei Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/324)

Presentation and Question Sessions

79. 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;

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

- (b) the proposed temporary animal boarding establishment (kennel) and breeding area for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The approval of the application for the continuation of the applied use on a temporary basis would not frustrate the planning intention of the “Agriculture” zone. The development, which made use of existing pigsty sheds for animal boarding

and breeding, was considered not incompatible with the surrounding land uses which were characterized by fallow/cultivated agricultural land, vacant farms, ponds, open storage yard and unused/vacant land. There was no residential dwelling in the immediate vicinity of the site. There was no adverse comment on the application from the agricultural, environmental, landscape and drainage points of view. Since planning approvals had been granted previously (Applications No. A/YL-KTN/253 and A/YL-KTN/380) and there was no change in planning circumstances and no adverse comment from relevant departments, sympathetic consideration could be given to the current application. Since the applicant failed to comply with the approval condition of the last planning application, shorter compliance periods were recommended to monitor the fulfilment of approval conditions on the site.

Deliberation Session

80. Noting that the previous planning application was revoked for non-compliance with the approval condition on provision of fire services installations, a Member asked whether the applicant could comply with such approval condition under the current application. Miss. Paulina Y.L. Kwan said that the applicant had made an effort to comply with the condition on the fire safety installation in the first planning permission and he managed to comply with the approval condition. However, the applicant found it very expensive to comply with the planning condition after the revision of the fire safety requirements by the Director of Fire Services and the application was revoked for non-compliance with such condition. She advised that the applicant was working actively with FSD to meet their requirement and to comply with the condition. The Secretary remarked that the time for compliance with the approval condition for the subject application was reduced to 3 months to submit proposal and another 3 months to implement the proposal for closely monitoring the compliance of the approval conditions.

81. Another Member asked whether the applicant was required to acquire land to comply with the fire safety requirement. Miss Paulina Y. L. Kwan responded that although there was no vehicular access leading to the main entrance, there was a vehicular access leading to the back door of the development. However, the use of this access as an

emergency vehicular access had not been agreed by the Director of Fire Services and owner's consent for the use of land as a vehicular access might be required.

82. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the drainage facilities implemented under application No. A/YL-KTN/253 within the site should be maintained at all times during the planning approval period;
- (b) the landscape planting within the site should be maintained at all times during the planning approval period;
- (c) the submission of fire service installations and Emergency Vehicular Access (EVA) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2009;
- (d) in relation to (c) above, the provision of fire service installations and EVA within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.11.2009;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specific date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

83. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that approval would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) that shorter compliance periods were imposed so as to monitor the fulfilment of approval conditions on the site;
- (d) to note District Lands Officer/Yuen Long's comments that Modification of Tenancy (MOT) No. M19578 and a Letter of Approval were issued over the lot for erection of structures thereon for domestic and agricultural purposes. Earlier information showed that these structures had been either demolished or converted to unauthorized uses. Besides, the undertaking on-site was earlier found far exceeding the application site. His office reserved the right to take enforcement action against all these irregularities. Besides, the application involved portion of a lot. It was LandsD's policy to grant Short Term Waiver (STW) on whole lot basis (i.e. not on portion of the lot). Hence, 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. In addition, the application site was accessible from Kam Tai Road via a long informal village track covering other private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances and continue to observe the requirements under the Water Pollution Control Ordinance in order to alleviate any potential impact;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's

(WSD) comment that a waterworks reserve within 1.5m from the centreline of the water mains should be provided to WSD;

- (g) to note the Director of Food and Environmental Hygiene's comments that the operation of the trade should not cause environmental nuisance. All the wastes generated from the trade should be disposed of properly at the cost of the user and should not be dumped at any of government's refuse collection facilities;
- (h) to note the Director of Fire Services' comment that the site was inaccessible by major fire appliances. An access road which could allow swift and safe passage of fire appliances and could withstand the loading of 16 tonne fire appliances as EVA leading to the site should be provided. Besides, in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures that were below 230m², the applicant should observe the requirements in Appendix IV of Paper. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (j) to 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 (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 and for any 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, the applicant should carry out prior consultation and arrangement with the electricity supplier. Besides, 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. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/327 Temporary Open Storage of Construction Machinery, Construction Material and Cable and Ancillary Parking of Lorry and Container Trailer/Tractor for a Period of 3 Years
in “Other Specified Uses” annotated “Railway Reserve” zone,
Lots 431 (Part), 432 (Part), 433 S.B (Part), 433 S.C (Part) and
1739 RP (Part) in D.D. 107 and Adjoining Government Land,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/327)

Presentation and Question Sessions

84. 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 open storage of construction machinery, construction material and cable and ancillary parking of lorry and container trailer/tractor for a period of 3 years;
- (c) departmental comments – the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (CE/RD(2-2), RDO, HyD) advised that as the site fell within the proposed Northern Link (NOL) alignment protection boundary and due to the uncertainty of its implementation programme, it was suggested that the approval period should be 2 years if the application was approved. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past three years;
- (d) two public comments were received during the statutory publication period. They were from the village representatives of Sha Po Tsuen objecting the application on the grounds that the vehicular movements of heavy vehicles would cause adverse traffic impact and safety to the villagers. The development would spoil the natural environment and cause blockage of drainage channels resulting in flooding problem in the area; and

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

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The development was considered not incompatible with the surrounding land uses. The CE/RD(2-2), RDO of HyD had no adverse comment on the subject application provided that the approval period was 2 years in view of the uncertainty of the programme of NOL. As the exact alignment and development programme of the NOL had yet to be finalised, temporary

approval would not jeopardise the long-term planning intention of the “OU (Railway Reserve)” zone. The sites fell within Category 2 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was in line with TPB PG-No. 13E in that relevant departments except DEP had no adverse comment on the application. Previous approvals for similar temporary open storage uses at the site had been granted by the Committee or the Board on review. Regarding DEP’s comment, no environmental complaint had been received in the past three years and approval conditions to restrict the operation hours and stacking height of construction machinery and material and cable, prohibition of workshop-related activities were recommended. Although there were local objections on the application, relevant departments had no adverse comment on the application on traffic, environmental and drainage grounds. To address the public concern, appropriate approval conditions would also be imposed. A shorter approval period of 2 years was recommend to grant taking into account the uncertainty of the programme of NOL.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 22.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other industrial/workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the environmental mitigation measures, as proposed by the applicant, should be implemented at all times during the planning approval period;
- (e) no stacking of materials above the height of the peripheral fencing (2.5m), as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (f) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the drainage facilities implemented under application No. A/YL-KTN/258 should be maintained to the satisfaction of the Director of Drainage Services during the planning approval period;
- (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 22.11.2009;
- (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 22.2.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

87. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) that shorter approval period was granted taking into account the uncertainty of the programme of Northern Link (NOL);
- (d) to resolve any land issues relating to the development with the concerned owners of the site;
- (e) to note District Lands Officer/Yuen Long's (DLO/YL) comments that unauthorized structures were included in the Old Schedule Agricultural Lots of the site and no permission had been given for occupation of the adjoining Government land (GL). His office reserved the right to take lease enforcement/land control action against these irregularities. Should the application be approved, the registered owners of the relevant lots and the occupier should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on the site. Besides, the application site was accessible to San Tam Road via GL and his office did not carry out maintenance works of the GL;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the

application site and San Tam Road;

- (g) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) to note the Chief Engineer/Sewerage Projects, Drainage Services Department’s (DSD) comments that the site was located on the northern side of the Sha Po Sewage Pumping Station (SPS). The existing access from the site to Sam Tam Road via Government Land (GL) near the Sha Po SPS would not be maintained by DSD. The land outside the permanent boundary wall of the pumping station which was temporarily allocated to the contract for construction would be handed back to DLO/YL upon completion of works. Besides, the water flow in the existing stream on the eastern side of the Sha Po SPS should not be affected because a temporary water in-take chamber would be built for the testing and commissioning of the SPS;
- (i) to note the Director of Fire Services’ comment that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure of about 757m², 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;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under

the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works; and

- (k) to 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 (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 and for any 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, the applicant should carry out prior consultation and arrangement with the electricity supplier. Besides, 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. In addition, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/578 Temporary War Game Centre with Ancillary Resting Area
for a Period of 3 Years in “Village Type Development” zone,
Lots 945, 946 S.A, 946 S.B, 946 S.C, 946 S.D, 946 S.E, 946 RP, 947
S.A, 947 S.B, 947 S.C, 947 S.D, 947 RP, 948 S.A, 948 S.B, 948 S.C,
948 RP, 949 S.A, 949 S.B, 949 RP, 950 S.A, 950 S.B, 950 S.C, 950
S.D, 950 S.E, 950 RP, 951 S.A, 951 S.B, 951 S.C, 951 S.D, 951 RP,
952 S.A (Part), 952 S.B (Part), 952 S.C, 952 S.D, 952 S.E, 952 S.F
(Part), 952 S.G, 952 S.H, 952 S.I, 952 S.J, 952 RP and 953 S.B (Part)
in D.D. 111 and Adjoining Government Land, Ha Che, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/578)

Presentation and Question Sessions

88. 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 war game centre with ancillary resting area for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the

assessments given in paragraph 11 of the paper. The proposed war game centre was a kind of place of entertainment for the public. The development could provide additional entertainment/recreation services to serve the public. Although the applied use might generate potential noise nuisance to the residential dwellings nearby, it was noted that the centre had been in operation for some time and no environmental complaint had been received during this time. All the war game activities were conducted within covered structures. To minimize the potential environmental nuisance, approval conditions prohibiting the war game activities outside the site and limiting its operational hours could be imposed. District Lands Officer/Yuen Long had received 6 Small House applications within the site. As there was still some time before the subject lots were developed for Small Houses, approval of the application on a temporary basis would not frustrate the long-term planning intention of the zone. A shorter approval period of one year, instead of the 3-year sought was therefore recommended.

89. In reply to a Member's question, Miss Paulina Y. L. Kwan said that the applicant indicated that war game activities would only be conducted in the daytime between 10:00 a.m. to 5:00 p.m.. Another Member asked whether the activities would affect other houses in the vicinity and Miss Paulina Y. L. Kwan replied that the applicant indicated that all activities would be confined within the covered structures and would unlikely affect the houses nearby. Besides, only plastic bullets would be used. She further elaborated that no complaint was received by the Director of Environmental Protection and no public comments were received on the application though the war game center had been in operation for some time already.

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

Deliberation Session

90. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 22.5.2010, 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 5:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no outdoor war game activities were allowed to be carried out at any time during the planning approval period;
- (c) no 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) no medium and heavy goods vehicles (i.e. exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (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 22.8.2009;
- (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 22.11.2009;
- (g) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2009;
- (h) in relation to (g) above, the implementation of the 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 22.11.2009;
- (i) the submission of emergency vehicular access and 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 22.8.2009;

- (j) in relation to (i) above, the provision of emergency vehicular access 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 22.11.2009;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

91. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that a shorter approval period was granted and shorter compliance periods were imposed as applications for Small House development at the site have been submitted;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site;
- (d) to note District Lands Officer/Yuen Long's comments that no structure was allowed to be erected without prior approval from his office. Unauthorized

structures were included on the Old Schedule Agricultural Lots and no permission from his office had been given for occupation of the adjoining Government land. His office reserved the right to take lease enforcement/land control action against these irregularities. The registered owners of the relevant lots and occupier should apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to regularize the irregularities on-site. It was noted that the site involved a portion of lot. It was LandsD's 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 owners should carve out the lots concerned according to the site boundary if only portion of the lots concerned were within the site boundary. Should no STW and STT application be received/approved and any irregularities persist on the site, his office would consider taking appropriate lease enforcement and land control action against the registered owners and the occupier according to the prevailing programme. Access to the site from Fan Kam Road via an informal track over private land and open Government land was without maintenance works to be carried out thereon by his office. His office did not guarantee right-of way;

- (e) to 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, based on the layout plan, a septic tank was installed within the site boundary. Should there be any effluent discharge from the proposed use, a valid discharge licence under the Water Pollution Control Ordinance (WPCO), Cap. 358, should be obtained at all times during the approval period. The applicant should carry out his obligation under the WPCO;
- (f) to note the Director of Fire Services' comments that the site was inaccessible by fire appliances. An access road which could allow swift and safe passage of fire appliances and could withstand the loading of 16 tonne fire appliances as emergency vehicular access leading to the site should be provided. In consideration of the design/nature of the proposed structures,

fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for proposed structures that exceeded 230m², the applicant was advised to make reference to the requirements as stated in Appendix II of the Paper;

- (g) to 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 and for any 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;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow; and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. Unauthorized structures on the site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of the 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 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 Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/153 Temporary Youth Activity Centre with Ancillary Car Park
for a Period of 3 Years in "Agriculture" zone,
Lot 1045 (Part) in D.D. 106, Shui Lau Tin, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-SK/153)

Presentation and Question Sessions

92. 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 youth activity centre with ancillary car park for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the application since crop farms and organic farms were spotted in the close vicinity of the site, agricultural activities in the vicinity of the site were active and the site could be rehabilitated for agricultural purposes such as greenhouse farming;

- (d) one public comment was received during the statutory publication period. The commenter indicated that as the unnamed road being used by the centre for travelling from Shui Lau Tin and through Ng Ka Tsuen was narrow and congested and many villagers ride their bicycles on the road, the youth centre would likely increase road traffic and endanger the road users; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments given in paragraph 11 of the paper. The proposed temporary youth activity centre with ancillary car park which utilized the existing structure of an abandoned pigsty was considered not incompatible with the surrounding environment which was predominantly of rural character mixed with agricultural land. The conversion of the abandoned pigsty for the proposed temporary youth activity centre could serve and benefit the local villagers. Some activities of the centre, e.g. the practising of Chinese dragon dance, could also create noise nuisances to the surrounding areas. To address possible environmental concerns, an approval condition restricting the operation hours of the centre was recommended. As the size of the premises (about 614 m²) was relatively large and could accommodate far more than the 7 private cars as proposed, in this regard, an approval condition restricting the parking of not more than 7 private cars at the site, as proposed by the applicant, was recommended. Moreover, a shorter approval period of 2 years, instead of the period of 3 years sought, was recommended to monitor the situation on-site should the application be approved. Since the co-existence of the proposed youth activity centre and car parking spaces without any physical separation in-between within the same structure might have traffic safety problem, a condition to require the erection of a gate or toll-bar at the entrance to control the entry of cars

was proposed to ensure better management of internal traffic.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 22.5.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) no more than 7 private cars, as proposed by the applicant, were allowed to be parked on the application site at any time during the planning approval period;
- (c) the provision of entry gate/toll-bar for better management of vehicular entry within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2009;
- (d) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2009;
- (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 22.8.2009;
- (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 22.11.2009;
- (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 22.8.2009;

- (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 22.11.2009;
- (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;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

95. The Committee also agreed to advise the applicant :

- (a) that the permission was given to the use/development under application. It did not condone any other use/development which was not covered by the application;
- (b) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) that a shorter approval period of 2 years was granted so as to monitor the situation on the site;
- (d) to note District Lands Officer/Yuen Long, Lands Department's comments

that his office reserved the right to take enforcement/control action against the unauthorized change of use, the excessive dimensions of the structures on Lot 1045 in D.D. 106 and the unlawful occupation of Government land. The applicant was reminded to apply for Short Term Waiver (STW) to regularize the irregularities on the site. 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. Subject to no objection from the concerned departments, his office might consider to regularize the whole structure including the upper floor. Otherwise, the owner would be required to demolish the upper floor. Should no STW application be received/approved and any irregularities persist on site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. Moreover, the site was accessible by an unnamed road leading up to Kam Sheung Road, which ran through open private land and Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;

- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that appropriate mitigation measures should be taken in order not to cause any disturbance to the nearby fish pond activities;
- (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) to 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;
- (h) to note the Director of Fire Services' comments that in formulating fire service installations (FSIs) proposal for compliance with approval

condition (g) above, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (i) to 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. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance 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 provision of emergency vehicular access to be erected on-site under B(P)R 41D; and

- (j) to 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 (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 and for any 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, the applicant should carry out prior consultation and arrangement with the electricity supplier. Besides, 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. In addition, the "Code of Practice on Working near

Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/426 Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 1935, 1936, 1937 (Part), 1938, 1940 and 1950 in D.D. 117, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/426)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the application site was situated on Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. However, the submission mentioned that there were structures erected for the purposes of workers’ changing room, security kiosk and tool room. He did not support the application unless

the registered owners of the relevant lots would apply for Short Term Waiver (STW) to regularize the irregularities on the site and the affected portion of lot was properly carved out for the application if there was any structure on the portion of the lot outside the application site. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, in the vicinity of the site and environmental nuisance was expected.

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

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The sites fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was in line with TPB PG-No. 13E as there was no local objection and the concerns of relevant Government departments were technical in nature which could be addressed through the implementation of approval conditions. Although the site was zoned “Undetermined” on the OZP, the area was generally intended for open storage use and the designation of this zoning was mainly due to concerns on the capacity of Kung Um Road. The development was not incompatible with the surrounding areas which were mixed with open storage yards, warehouses, residential structures and vacant land. Regarding DEP's concern, there was no environmental complaint in the past 3 years and an approval condition could be imposed restricting the operation hours to address the concern.

97. Members had no question on the application.

Deliberation Session

98. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.5.2012, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) 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 22.11.2009;
- (d) in relation to (c) 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 22.2.2010;
- (e) 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 22.11.2009;
- (f) in relation to (e) 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 22.2.2010;
- (g) 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 22.11.2009;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2010;
- (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;
- (j) if any of the above planning conditions (c), (d), (e) (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; 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.

99. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the erection of structures on the site. It was LandsD's policy not to grant Short Term Waiver (STW) to portion of a lot nor to a person other than the

registered owner. After the approval of Application No. A/YL-TYST/396, the registered owners of the lots concerned failed to apply to his office for regularization. The registered owners of the relevant lots should apply to his office for STW to regularize the irregularities on the site and the affected portion of lot should be properly carved out for the application if there was any structure on the portion of the lot outside the application site. Moreover, the site was accessible by a short track from Kung Um Road which runs through open Government land and various private lots without maintenance works to be carried out thereon by his office. His office would not guarantee right-of-way;

- (e) to 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) to 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;
- (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) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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;

- (i) to note the Director of Fire Services' comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper and to consult the Dangerous Goods Division, Licensing & Certification Command of Fire Services Department regarding the licensing of the premises for storage/use of dangerous goods;

- (j) to 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. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance 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. Provision of emergency vehicular access was applicable under B(P)R 41D; and

- (k) to 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/429 Temporary Warehouse for Storage of Construction Materials,
Carpets and Porcelains with Ancillary Office for a Period of 3 Years
in “Undetermined” zone,
Lot 1241 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/429)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction materials, carpets and porcelains with ancillary office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, to the immediate east and in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storages which could not be accommodated in conventional godown premises. Besides, the development was considered not incompatible with the surrounding areas which were mainly occupied by warehouses, open storage yards, workshops and residential structures. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Regarding DEP's comment, the development was only for storage purpose in an enclosed warehouse. It was expected that the development would not generate significant environmental impact on the surrounding areas. Moreover, the site was directly accessible via a local track leading from Kung Um Road and the traffic generated from the development was minimal. To address possible concern on the environmental impact, approval conditions restricting operation hours and prohibiting open storage and workshop activities and use of heavy vehicles were recommended. Subsequent to the revocation of the previous planning approval due to non-compliance with the approval condition on the submission and implementation of fire services installation proposal within the specified time limits, shorter compliance periods were proposed to closely monitor the progress on compliance with the approval conditions should the application be approved.

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

101. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years until 22.5.2012, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicants, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, was allowed on the application site during the planning approval period;
- (c) no open storage 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 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2009;
- (g) in relation to (f) 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 22.11.2009;
- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2009;
- (i) in relation to (h) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 22.11.2009;

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

103. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) that favourable consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions;
- (d) to note District Lands Officer/Yuen Long, Lands Department's comments that the registered lot owner should apply to his office for regularization of the proposed excessive height of the structure which exceeded the height restriction of 6.3m under Short Term Waiver No. 3193. Otherwise, his office reserved the right to take lease enforcement action against the irregularities, if indeed found on the site. Moreover, the site was accessible by an informal track from Kung Um Road, which ran through

open private land without maintenance works to be carried out thereon by his office, and his office would not guarantee right-of-way;

- (e) to 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) to 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;
- (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) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should consider providing drainage facilities at the north-west boundary of the site and that the development should not obstruct any overland flow or cause any adverse drainage impact on the adjacent area;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest 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;

- (j) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper;

- (k) to 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. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance 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 Buildings Ordinance 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. Provision of emergency vehicular access was applicable under B(P)R 41D; and

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

Agenda Item 31

Any Other Business

104. There being no other business, the meeting was closed at 4:20 p.m..