

TOWN PLANNING BOARD

Minutes of 399th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 24.7.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Edmund K.H. Leung

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Chief Traffic Engineer/New Territories East,
Transport Department

Mr. Ambrose S.Y. Cheong

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. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Professor Edwin H.W. Chan

Ms. Maggie M.K. Chan

Professor Paul K.S. Lam

Mr. Rock C.N. Chen

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

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Town Planner/Town Planning Board
Mr. Terence Leung

Agenda Item 1

Confirmation of the Draft Minutes of the 398th RNTPC Meeting held on 10.7.2009

[Open Meeting]

1. The draft minutes of the 398th RNTPC meeting held on 10.7.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

General

Agenda Item 3

[Open Meeting]

Study on the Enhancement of the Lau Fau Shan Rural Township and Surrounding Areas – Stage 1 Community Engagement
(RNTPC Paper No. 10/09)

3. The following representatives of Planning Department (PlanD) were invited to the meeting at this point:

Mr. Michael Chan	- Chief Town Planner/Strategic Planning, PlanD
Mr. Rico Tsang	- Senior Town Planner/Strategic Planning, PlanD
Mr. Frank Chow	- Ove Arup and Partners Hong Kong Ltd.
Ms. Teresa Yeung	- Ove Arup and Partners Hong Kong Ltd.

4. The Chairperson extended a welcome and invited the representatives of PlanD and the study consultants to brief Members on the Paper.
5. Mr. Michael Chan said that the Study on the Enhancement of the Lau Fau Shan

Rural Township and Surrounding Areas (the Study) was commissioned by PlanD in early 2009. Since then, the consultants had completed a baseline review of the Study area. The stage 1 community engagement exercise had just been launched to collect the views of the public and the local community. They would like to take this opportunity to present the consultants' findings to the Committee and to gather Members' views.

[Ms. Anna Kwong, Mr. Y. K. Cheng and Prof. David Dudgeon arrived to join the meeting at this point.]

6. With the aid of a Powerpoint presentation, Mr. Frank Chow made the following main points as detailed in the Paper:

- (a) the Study area covered 565 hectares of land and included four Focus Study Areas: Area A – within the Tsim Bei Tsui wetlands; Area B – Lau Fau Shan township; Area C – the coastlines from Lau Fau Shan township to Sham Kong Western Highway; and Area D – the areas west of Tin Shui Wai;
- (b) the overall objective of the Study was to realize the tourism and recreational potential of Lau Fau Shan and its surrounding areas by proposing improvement projects with conceptual schemes and design drawings which were compatible with the existing natural and cultural environment;
- (c) the main principles guiding the Study included the development of the tourism and recreational potential of Lau Fau Shan with an emphasis on local heritage and its people, the enhancement of the environment of the Lau Fau Shan Township, and the conservation of the natural environment;
- (d) Hong Kong's coastal tourist attractions could be classified into three main types: cultural/historical attractions, natural habitats and popular dining areas. A preliminary study concluded that, besides Sai Kung, Lau Fau Shan was the only coastal area in Hong Kong that was characterized by all three elements;

- (e) despite Lau Fau Shan's distinctive characteristics, three key issues and the improvement opportunities had been identified and they were summarized as follows:
- (i) Tourist attractions: the major tourist attractions included cultural/historical spots, natural habitats like wetlands and built-up areas like Lau Fau Shan township. They were dispersed at different locations throughout the Study area, with no proper connections among them. Accessibility to the waterfront should be improved and the existing facilities should be better utilized;
 - (ii) land use: a comprehensive approach would be taken to ensure compatibility of land uses within the Study area. The adequacy of community facilities should be studied and the waterfront environment should be improved; and
 - (iii) traffic and connectivity: the existing Lau Fau Shan Road might not have enough capacity to meet the increasing traffic demand arising from an increase in the number of tourists. Whether there would be scope to widen Lau Fau Shan Road would be covered in the Study. Other improvement strategies would include identifying cycling and hiking as an important mode of transportation, beautifying the streetscape, improving the accessibility to the waterfront, strengthening connectivity between different tourist attractions. Public transport facilities and car parking facilities should be improved.

7. With the aid of a Powerpoint presentation, Ms. Teresa Yeung made the following main points as detailed in the Paper:

- (a) The Study process would be divided into three stages, with Stage 1 involving a baseline review and a community engagement exercise. The community engagement exercise had just been launched, and it would include activities such as a public forum and a roving exhibition within the

Study area. Public views that would be collected would be taken into account in the formulation of detailed proposals; and

- (b) some local views had already been gathered. The local residents were mainly concerned about the improvement of local transport links and the adequacy of community facilities, introduction of new tourist attractions and the possible revitalization of the ex-Lau Fau Shan Police Station.

8. Members had the following comments:

- (a) while the objective of the Study was to realize the tourism potential of the area, it should also consider the needs of the elderly residents, who were very much attached to the local area;
- (b) whether the study would examine the impacts of water pollution on oyster farming and the seafood restaurants;
- (c) whether Kong Sham Western Highway would have any implication on the planning of the Study area; and
- (d) besides cycling, whether the Study would propose other environmentally friendly transport facilities, especially for the elderly.

9. Mr. Michael Chan said that the adequacy of community facilities for the elderly in the area would be addressed in the Study, and transport facilities to be provided would facilitate both residents and tourists of all ages. As regards the issue of water pollution, it was his understanding that the oyster farming was not affected by the water quality in Deep Bay but the contaminated seed oysters from Mainland China. There had been a steady growth in the number of tourists in recent years. It was therefore expected that the oyster farming and the seafood restaurants would continue to flourish in Lau Fau Shan. The Chairperson added that the Kong Sham Western Highway only passed through the Study area without local direct connection points and hence did not affect the land use planning in the Lau Fau Shan area.

10. The Chairperson asked Members to participate in the community engagement activities organized by the Study consultants. She thanked Mr. Chan, Mr. Tsang, Mr. Chow and Ms. Yeung for attending the meeting. They all left the meeting at this point.

Sai Kung and Islands District

[Mr. Wilfred C.H. Cheng, District Planning Officer/Sai Kung and Islands (DPO/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/84 Proposed Electricity Substation in “Open Space” zone,
Chui Ling Road, Area 72, Tseung Kwan O
(RNTPC Paper No. A/TKO/84)

Presentation and Question Sessions

11. Mr. Wilfred C.H. Cheng, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – on 18.3.2005 the Committee approved an application (No. A/TKO/69) for the development of an electricity substation (ESS) at a site in Area 73. During the processing of the land grant, a lot of objections were received from the parents of an adjacent school. On 13.1.2009, the Sai Kung District Council (SKDC) passed a motion requesting the Government and the applicant to explore whether there was other alternative site. In response, PlanD, in consultation with relevant departments, identified the current application site as a replacement site;
- (b) the proposed electricity substation (ESS);

- (c) departmental comments – the Director of Electrical and Mechanical Services (DEMS) had no adverse comment on the application. The electrical safety of ESS was regulated by the Electricity Ordinance. The equipment in the proposed ESS should comply with the safety requirements and should be designed, manufactured and installed in accordance with international standards and manufacturers' instructions. The distance between the ESS and the nearby residential developments met the requirements stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG). The Director of Health (DH) commented that, according to the World Health Organization (WHO), there was so far no sufficient scientific evidence to show that long-term exposure to low level of electromagnetic fields of extremely low frequency would cause adverse health effects;
- (d) The District Officer/Sai Kung reported that the SKDC supported the proposed development at its meeting on 17.3.2009. During the statutory publication period, 2,747 public comments were received (four public comments were withdrawn just before the meeting). They objected to the application for the following main reasons:
- (i) the proposed ESS was too close to nearby residential developments, a school under construction, and the future Tiu Keng Leng Park, and would cause safety and health hazards to the residents and students;
 - (ii) the proposed ESS would cause depreciation to the value of their properties;
 - (iii) it would reduce the size of the open space;
 - (iv) it would generate adverse visual impacts to the surrounding environment; and
 - (v) it would have adverse impact on the radio communication equipment of the future police station and fire station cum

ambulance depot.

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. PlanD, in consultation with the relevant departments and the applicant, had examined some eight alternative sites adjoining Po Shun Road or in the new development areas in Tiu Keng Leng and Town Centre south areas for the development of an ESS. Of these sites examined, the subject application site was considered the most suitable as a replacement site. It was located within the targeted electricity supply area, and was at some distance away from the sensitive uses. It was about 130m, 150m and 250m away from Metro Town, Ocean Shores and Park Central respectively. The site could be formed in time by end-2010 to allow the completion of the ESS by 2013/14. As regards the loss of open space, it should be noted that even with the exclusion of the ESS site from land planned for district open space (a reduction of 2,500m², or 0.5%), the overall provision of open space was still more than that required under the HKPSG for the planned population. The concerns raised by the public on the aspects of safety and health had been considered by the relevant departments and they all had no adverse comments on the application. The applicant would be required to follow relevant planning standards, guidelines and to comply with all legal requirements in planning, design, construction and operation of the proposed ESS. The relevant departments would closely monitor the project and take appropriate enforcement action in case of any non-compliance.

12. Members had no question on the application.

Deliberation Session

13. The Chairperson said that the ESS was an essential facility serving the local residents. The proposed ESS was of some distance away from the nearby residential developments. Although there were a large number of local objections, the relevant departments had no adverse comments on the application.

14. Mr. Ambrose Cheong suggested that Transport Department's comments in paragraph 9.1.11 of the Paper should be relayed to the applicant as an advisory clause. Members agreed.

15. 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 24.7.2013, 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 façade design of buildings within the site to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a landscape proposal including tree preservation scheme to the satisfaction of Director of Planning or of the TPB;
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of ingress/egress and internal vehicular access arrangement to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) note the comment of the Director of Buildings that Emergency Vehicular Access should comply with the Building (Planning) Regulation 41D and the allied Code of Practice;
- (b) note the comment of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administrated by

the Buildings Department;

- (c) note the comments of the Director of Electrical and Mechanical Services that the “Code of Practice on Working near Electricity Supply Line” 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;
- (d) note the comments of the Commissioner of Police that enough blockages by concrete structures to house the high voltage switching equipment were required;
- (e) note the comment of the District Lands Officer/Sai Kung that the application site was being occupied by the Civil Engineering and Development Department as a works site and the applicant should liaise with the Civil Engineering and Development Department for possession of the site upon approval of land grant;
- (f) note the comments of the Project Manager/New Territories East, Civil Engineering and Development Department as follows:
 - (i) the proposed run-in level for Electricity Substation (ESS) site adjoining the lot boundary as shown on the Drawing CLR03 should be about +6.11 mPD instead of +6.00 mPD; and
 - (ii) the applicant should liaise with his office regarding the proposed drainage, sewerage and water supply provisions of the ESS site; and
- (g) note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department as follows:
 - (i) the vehicular access should be made wide enough for the turning of 11m long goods vehicles in and out of the site without reversing movements; and

- (ii) to provide adequate sightline between pedestrians on the footpath adjoining the site and a vehicle leaving the site. At least a length of 5m along the boundary fence as measured from the edge on either side of the vehicular access should not be solid wall and could be clearly seen through by pedestrians.

[The Chairperson thanked Mr. Wilfred C.H. Cheng, DPO/SKIs, for his attendance to answer Members' enquires. Mr. Cheng left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/136 Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years
in "Open Storage" and an area shown as "Road" zones,
Lots 106, 108-110, 112-120, 122 (Part), 165 S.A in D.D. 95 and
adjoining Government land, Ho Sheung Heung Road, Kwu Tung
(RNTPC Paper No. A/NE-KTN/136)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary medium goods vehicle and container tractor/trailer park for a

period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site;
- (d) during the statutory publication period, 2 public comments were received. One of the commenters objected to the application as he considered the traffic generated by the development might overload Ho Sheung Heung Road, and there would be noise, dust and environmental problems, while the other commenter had no comment on the application. The District Officer (North) reported that the Chairman of Sheung Shui District Rural Committee (SSDRC) objected to the application on grounds of potential traffic hazard; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper. The development was not incompatible with the surrounding land uses. The site fell within Category 1 areas according to “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). Although DEP, a public commenter and the Chairman of SSDRC objected to the application on environmental and/or traffic grounds, no environmental complaint had been received in the past 5 years, and the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no objection to the application. The applicant would be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department. It was also noted that the applicant had complied with all approval conditions of the previous application No. A/NE-KTN/118. Sympathetic considerations could be given to the application.

18. Members had no question on the application.

Deliberation Session

19. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.7.2012, 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 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the existing drainage facilities on the application site should be properly maintained during the approval period;
- (d) the existing tree planting on the application site should be properly maintained during the approval period;
- (e) the submission of proposals for fire service installations and water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2010;
- (f) in relation to (e) above, the provision of fire service installations and water supplies within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2010;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (h) if any of the above planning conditions (e) or (f) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice.

20. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the development on site;
- (b) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals:
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and 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;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
- (i) any unauthorized building works carried out on the application site were subject to enforcement action under section 24 of the Buildings Ordinance (BO) ;
 - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R)19(3) at the building plan submission stage;
 - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and
 - (iv) use of containers as site office or store was considered as temporary buildings and was subject to control under the (B(P)R) Part VII;
- (d) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
- (i) there were existing water mains within and along the northern part of the application site. No structure or support for any structure,

except boundary fences, should be placed or erected and no motor vehicles were allowed to park or remain in the area within 1.5 m from the centre lines of the water mains for any purpose. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize. If the applicant had a request for diversion of the water mains, the applicant should bear the cost of the diversion works;

- (ii) for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards; and
 - (iii) the application site was located within the WSD flooding pumping gathering ground;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comment that part of the application site had encroached onto an area shown as 'Road' on the Outline Zoning Plan. To allow future possible road improvement works, no structure should be built within the area shown as 'Road'; and
- (f) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential environmental impacts on the adjacent area.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/385 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” and “Village Type Development” zones,
Lot 1069 S.C and 1070 S.Q in D.D. 9, Tai Wo Village,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/385)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (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 (Tai Po); 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 proposed development complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the proposed Small House’s footprint fell within the “V” zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. The proposed Small House was generally compatible with the surrounding rural areas. Although the application site fell within the

upper indirect Water Gathering Ground (WGG), the proposed Small House could be connected to the planned sewerage system in the area. Relevant departments consulted had no adverse comment on the application.

22. Members had no question on the application.

Deliberation Session

23. 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 24.7.2013, 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 and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure that no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) 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.

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

- (a) the actual construction of the proposed Small House should only begin

after the completion of the public sewerage network;

- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant should limit the extent of tree trimming to the minimum and adopt good site practice to avoid disturbance to trees nearby during the works;
- (d) the applicant should avoid any works, such as construction of drainage channels and sewers and hard impermeable surface within the tree protection zone which was defined by the drip-line of tree/the tree crown of the nearby large tree;
- (e) the applicant should note that the application site was next to the works boundary of the project, 'Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling - Stage 2', which was gazetted in early July 2009 and its construction works was anticipated to commence in the second half of 2010 for completion in 2014. Since no consideration of the proposed Small House development had been taken into account when the Environmental Impact Assessment (EIA) review for the aforesaid project was carried out, the applicant was advised to carry out his own EIA for the development taking into account the noise, air or traffic impact, if any, from the said project. The applicant should ensure that the proposed development should not impose any traffic and other impact on the said road widening works;
- (f) the applicant should note that there was no existing Drainage Services Department (DSD)-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 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;

- (g) 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 sewerage treatment/disposal aspects of the development and the provision of septic tank;
- (h) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (i) the applicant should pay continuing attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (j) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (k) 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 application site;
- (l) prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (m) prior to establishing any structure within the application site, the applicant and 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;
and

- (n) 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/386 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 24 S.B in D.D. 7, Tai Hang Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/386)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment from Tai Hang Villagers was received. The commenters objected the application as they knew the applicant had already transferred his Small House right to someone who was not an indigenous villager of Tai Hang Village. Approval of the application would deprive Tai Hang Villagers’ right to build their own Small House on the subject site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments given in paragraph 11 of the Paper. The proposed development complied with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the proposed Small House’s footprint fell within the “V” zone and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. The proposed Small House was not incompatible with the surrounding rural areas. Although the application site fell within the upper indirect Water Gathering Ground (WGG), the proposed Small House could be connected to the planned sewerage system in the area. Relevant departments consulted had no adverse comment on the application. Regarding the local objection, it should be noted that the District Lands Officer/Tai Po advised that the applicant was an indigenous villager of Tai Hang Village. The dispute of the villagers was outside the purview of the Committee.

26. Referring to Plan A-3, the Chairperson asked whether an existing tree shown on the plan would be affected by the proposed Small House development. Ms. Cheng replied that the tree concerned was outside the application site and would not be affected by the proposed development.

Deliberation Session

27. 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 24.7.2013, 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 and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;

- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure that no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) no blasting, drilling, piling or sinking of wells should be allowed within the application site;
- (f) no excavation works should be undertaken prior to obtaining written approval from the Director of Water Supplies or of the TPB; and
- (g) 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.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) the applicant should note that there was no existing Drainage Services Department (DSD)-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 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 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 sewerage treatment/disposal aspects of the development and the provision of septic tank;
- (e) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (f) the applicant should pay continuing attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (g) the applicant should submit a proposal for excavation work in writing to Water Supplies Department (WSD) for approval in all respects before carrying out any excavation work. The applicant should not carry out any work whatever until the excavation work proposal had been approved by WSD and should fully comply with all requirements laid down in approving the excavation work proposal;
- (h) the applicant should indemnify the Government against all actions, claims and demands arising out of any damage or nuisance to private property in the event that any subsidence of the ground arising out of the Small House development occurred at any time;
- (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (j) the applicant should note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (k) detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (l) 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 application site;
- (m) prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines;
- (n) prior to establishing any structure within the application site, the applicant and 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;
and
- (o) 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.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/397 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 872 S.C RP in D.D. 19, She Shan Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/397)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) 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 the proposed Small House was not within any village ‘environs’ (‘VE’). The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was currently used for growing peach blossoms and agricultural activities were active at the site and the area nearby. The Chief Engineer/Development (2), Water Supplies Department (CE/DEV(2), WSD) objected to the application as there was no information in the submission to show that the owner of an adjacent lot would provide an easement for a sewerage connection required to serve the proposed Small House;
- (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 assessments as detailed in Paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and there was no strong justification for a departure from the planning intention. The application did not meet the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that the proposed Small House footprint was entirely outside the ‘VE’ and 65% of it was outside the “V” zone. There was no information in the submission to show that the owner of Lot 873 would provide an easement for a sewerage connection.

30. Referring to Plan A-2, the Chairperson asked why the proposed development would have difficulties connecting to the nearby proposed sewer. Ms. Cheng replied that, according to CE/DEV(2), WSD, a discharge pipe was required to be laid through the adjoining Lot 873 and no information had been submitted by the applicant to demonstrate that the owner of Lot 873 would provide an easement for sewerage connection.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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 (NTEH)/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 She Shan Tsuen. It was also doubtful whether the proposed Small House could be connected to the planned sewerage system in the area.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/281 Renewal of Planning Approval for Temporary
“Barbecue Site and Car Park” for a Period of 2 Years
in “Agriculture” and an area shown as “Road” zones,
Various lots in D.D. 17 and D.D. 29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/281)

Presentation and Question Sessions

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

- (a) background to the application – Application No. A/NE-TK/235 was approved with conditions by the Committee on 27.7.2007 for a period of two years until 27.7.2009;
- (b) the renewal of planning approval for temporary “barbecue site and car park” for a period of 2 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as active agricultural activities were found in the vicinity of the site;
- (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 considered that the development could be tolerated for a further period of two years based on the assessments given in paragraph 10 of the Paper. The temporary use was considered not incompatible with the predominantly agricultural and recreational uses in the surrounding areas. There had been no material change in planning circumstances since the previous temporary approval was granted. The continuation of the temporary use for a further period of 2 years would unlikely frustrate the planning intention of the site for agricultural use. Although the DAFC did not favour the application, the barbecue site would unlikely cause adverse impacts on the areas. The planning conditions under the previous approval had been complied with. No local objection and no environmental complaint pertaining to the site had been received.

33. Members had no question on the application.

Deliberation Session

34. In response to a Member's question on the utilization rate of the barbecue site, Ms. Cheng said that the barbecue site was quite busy during weekends.

35. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 27.7.2011, 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) the existing vehicular access and parking facilities, the existing drainage facilities, and the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (c) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 27.1.2010;

- (d) in relation to (c) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.4.2010;
- (e) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

36. The Committee also agreed to advise the applicant :

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) that the applicant should apply to Tai Po District Lands Office for a short term waiver; and
- (c) that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/429 Proposed Two Houses in “Village Type Development” zone,
Lots 978, 983 and 1045 in D.D. 6, Kam Shan, Tai Po
(RNTPC Paper No. A/TP/429)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses;
- (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 (Tai Po); 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. The proposed building bulk and height of the developments were not incompatible with the surrounding village environment. Significant impacts arising from the proposed developments were unlikely. Relevant Government departments consulted had no adverse comment on the application.

38. In response to a question from the Chairperson, Ms. Cheng confirmed that the application site comprised new grant building lots which had building status under lease.

39. Regarding the question on the date of submission of the subject application, the Secretary clarified that the submission date as stated in paragraph 1.1 of the Paper should read 29.5.2009.

Deliberation Session

40. 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 24.7.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) public sewerage connection was available for the application site. The Environmental Protection Department should be consulted regarding the preferred sewage treatment/disposal method for the proposed development;
- (b) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) geotechnical submissions to the Buildings Department were required should the proposed development affect or be affected by existing slopes or walls. The applicant should appoint an AP/RSE/RGE to submit any new

works to Buildings Department/Geotechnical Engineering Office for checking;

- (d) 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 application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) 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; and
 - (iii) 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/430 Proposed “Wholesale Trade”
 in “Other Specified Uses” annotated “Business” zone,
 Unit 1 to 4, 11/F, Block 4, Tai Ping Industrial Centre,
 51A Ting Kok Road, Tai Po
 (RNTPC Paper No. A/TP/430)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed “wholesale trade”;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as “wholesale trade” was considered a kind of commercial use which would attract large number of visitors who were not familiar with the industrial building. They would be exposed to higher risks inside the industrial building which they would not be aware of or prepared to face;
- (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 assessments as detailed in Paragraph 11 of the Paper. The development was not in line with the ‘Town Planning Board Guidelines for the Development within “Other Specified Uses (Business)” Zone’ (TPB PG-No. 22D) as the proposed use was considered unacceptable

from the fire safety point of view.

43. The Chairperson asked what kind of merchandise was proposed for sale at the premises. Ms. Cheng replied that a variety of goods including electrical goods and clothing had been proposed by the applicant.

Deliberation Session

44. A Member noted that there were “wholesale trade” uses in industrial buildings in other districts and asked whether they were permitted in these buildings. The Chairperson replied that such “wholesale trade” uses in industrial buildings might not have obtained planning approval. As the Planning Authority had no enforcement power in the urban and new town areas, enforcement action had to be carried out by Lands Department and Buildings Department. Mr. Simon Yu said that depending on the lease conditions, if planning approval was obtained, the applicant could apply to Lands Department for a temporary waiver. In processing a waiver application, the requirements of all relevant departments had to be met before a waiver could be granted. LandsD would take enforcement action against uses that were in breach of the lease conditions and had not obtained the necessary waiver.

45. After further deliberation, the Committee decided to reject the application and the reason was that the application was not acceptable from the fire safety point of view.

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

[Mr. Donald Yap left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Mr. Anthony C.Y. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), and Dr. Jackie Yip, Nature

Conservation Officer (Yuen Long), Agriculture, Fisheries and Conservation Department, were invited to the meeting at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/185 Temporary Public Vehicle Park (Private Cars)
for a Period of 3 Years in “Village Type Development” zone,
Lots 3834, 3835, 3836, 3837 (Part), 3842 RP, 3865 RP (Part),
3866 S.A, 3866 S.B, 3867, 3868, 3870 and 3871 in D.D. 124
and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/185)

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 public vehicle park (private cars) 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; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the development could be tolerated for a period of one year based on the assessments given in paragraph 11 of the Paper. As there was no Small House application pertaining to the application site, the proposed temporary vehicle park would not frustrate the long-term use of the “Village Type

Development” (“V”) zone. The temporary development was considered not incompatible with the rural character of the surrounding areas. To minimize the potential environmental concerns, relevant approval conditions had been recommended. As the applicant of the previous approvals had not been advised that sympathetic consideration might not be given to any further application if the approval was revoked again due to failure to comply with the conditions, sympathetic consideration might be given to tolerate the application for the last time. However, as the last two planning permissions were revoked for failing to comply with the approval conditions, a shorter approval period of 1 year and shorter compliance periods were proposed to monitor the progress of complying with the conditions. The applicant would also be advised that should he fail to comply with any of the approval conditions resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application.

[Mr. Donald Yap returned to join the meeting at this point.]

47. Members had no question on the application.

Deliberation Session

48. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 24.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no operation between 11:00 p.m. and 7:00 a.m. should be carried out at the site during the planning approval period;
- (c) no car dismantling or workshop activities should be undertaken within the

site at any time during the planning approval period;

- (d) no vehicles of 5.5 tonnes or more, container vehicles, container trailers, were allowed to be parked/stored on the site at any time during the planning approval period;
- (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 14.10.2009;
- (f) in relation to (e) above, the provision 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 14.1.2010;
- (g) 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 14.10.2009;
- (h) the submission of vehicular run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.10.2009;
- (i) in relation to (h) above, the provision of vehicular run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 14.1.2010;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.10.2009;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 14.1.2010;

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

49. 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 approval and compliance periods were allowed to monitor the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application;
- (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/Tuen Mun's comments that application should be submitted to his office for a Short Term Tenancy to regularize the occupation of Government land and to set back the existing fencing thereon; and the need to apply to his office for Short Term Waiver for the erection of temporary structures;

- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the existing water mains would be affected and that the applicant should bear the cost if any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a waterworks reserve within 1.5 meters from the centreline of the concerned water main should be provided to his office. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his and their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of any planning approval should not be construed as condoning to any 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 building works for approval under the Buildings Ordinance was required; if the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building(Planning) Regulation 19(3) at the building plan submission stage; and to note B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;

- (g) to note the Chief Highway Engineer/New Territories West of Highways Department's (CHE/NTW, HyD) comments that any run-in/out approved by TD should be constructed according to HyD's standard drawings H113 and H114, or H5115 and H5116, to match the existing pavement condition; and an interception channel should be provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out;

- (h) 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;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the applicant’s drainage proposal, in particular the location of the existing discharge point, should be reviewed for preparation of the drainage proposal to be submitted under approval condition (e) above; and
- (j) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations proposal in Appendix III of the Paper No. A/TM-LTYYY/185.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/63 Temporary Barbecue Area for a Period of 3 Years
in “Village Type Development” zone,
Lots 246sB(Part), 250(Part), 251(Part), 258 (Part), 260,
261 (Part), 262sB (Part) and 263sB (Part) in DD 385,
Tai Lam Chung Village, Tuen Mun
(RNTPC Paper No. A/TM-SKW/63)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary barbecue area for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisances were expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of one year based on the assessments given in paragraph 11 of the Paper. As there was no Small House application pertaining to the application site, the proposed temporary vehicle park would not frustrate the long-term use of the “Village Type Development” (“V”) zone. The temporary development was considered not incompatible with the rural character of the surrounding areas. Although DEP did not support the application, there was no environmental complaint in the past three years. To address DEP's concerns, an approval condition on operation hours had been recommended. As the last planning permission was revoked for failing to comply with the approval condition on drainage, a shorter approval period of 1 year and shorter compliance periods were proposed to monitor the progress of complying with the conditions. The applicant would be advised that should he fail to comply with any of the approval conditions resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application.

51. Noting that the compliance period of the approval condition relating to the implementation of the drainage proposal had been extended six times, the Chairperson asked if the applicant had made any attempt to comply with the condition. Mr. Lau replied that the applicant had submitted drainage proposals to the Drainage Services Department (DSD), but the proposal had not been accepted by DSD. The applicant had stated that there were significant technical difficulties and cost implications in the provision of drainage facilities.

He understood that the applicant was still trying to comply with DSD's requirements.

52. A Member asked whether drainage and sewerage proposals had been submitted by the applicant. Mr. Lau replied that the applicant had submitted proposals on the provision of lavatories, storm water drains and a storm water storage tank at the site. Relevant Government departments had no adverse comment on the lavatories, but DSD considered the storm water drainage proposal not satisfactory.

53. The same Member commented that if the site had drainage problem, DSD should be responsible for the storm water drainage problem irrespective of whether the site was used as a barbecue site. Another Member said that storm water drainage facilities were required because the site was paved for barbecue use and hence it was not unreasonable for the applicant to provide the required facilities. Mr. Lau said that an approval condition on drainage proposal had been recommended requiring the applicant to complete the drainage facilities within six months.

Deliberation Session

54. The Chairperson said that PlanD should relay Members' view that more detailed guidelines should be provided for the applicant by DSD to help resolve the drainage problem. By referring to Appendix 1 of the Paper, Mr. Lau supplemented that the applicant had already employed an engineer to work on a new drainage proposal.

55. The Secretary said that the Committee had previously decided that if the relevant planning permissions had been revoked for a second time, no sympathetic consideration would be given to any further application. However, as the applicant had not been informed of this arrangement, planning permission could be granted this time, but with a shorter approval period of 1 year and shorter compliance periods of 3 months. She said that the applicant would also be advised that no sympathetic consideration would be given should the planning permission be revoked again due to non-compliance with approval conditions.

56. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 24.7.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 2:00 p.m., as proposed by the applicant, should be carried out at the site during the planning approval period;
- (b) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.10.2009;
- (c) in relation to (b) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.1.2010;
- (d) 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 24.10.2009;
- (e) in relation to (d) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.1.2010;
- (f) 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 24.10.2009;
- (g) in relation to (f) above, the implementation 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 24.1.2010;
- (h) the submission of vehicular run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.10.2009;
- (i) in relation to (h) above, the implementation of vehicular run-in proposal

within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 24.1.2010;

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

57. 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 approval period and compliance periods were imposed to monitor the development on the site and the progress on compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the development with the concerned owners of the application site as well as the adjacent lots;
- (d) to note District Lands Officer/Tuen Mun's comments on the need to apply to his office for Short Term Waivers for erection of temporary structures on all the lots concerned;

58. 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 pond filling for agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the filling of pond as he considered that the fish pond should be preserved for fish farming;
- (d) during the statutory publication period, one public comment from Kadoorie Farm and Botanical Garden Corporation was received. The commenter was concerned that runoff arising from pond filling would pollute an adjacent natural stream and would lead to flooding risks. As there was no vehicular access to the site, delivery of pond filling material would cause considerable environmental damage. In order to protect the natural stream, contaminated soil and construction and demolition waste should be avoided; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The pond filling for agricultural use was in line with the planning intention of the “Agriculture” (“AGR”) zone. The proposed agricultural use was also compatible with the surrounding rural areas. Three adjacent fish ponds had been filled up illegally, leaving the subject pond isolated and far away from any contiguous fish ponds. According to the DAFC, the subject fish pond alone would unlikely serve any significant ecological functions. Although DAFC considered that the pond should be used for fish farming, it should be noted that the pond had already dried up and was overgrown with grass, and its current state could hardly function as a fish pond. Approval conditions had been suggested to address the technical concerns of the departments and the commenter. A revocation clause had also been suggested to ensure compliance with these conditions.

59. The Chairperson asked whether AFCD was concerned about the ecological value of the pond or the preservation of fish farming at the pond. Dr. Jackie Yip replied that AFCD was concerned about both aspects. She said that from the ecological point of view, the ecology of the entire area surrounding Deep Bay was an important consideration and the approval of the application would set an undesirable precedent for other similar applications in the area. There was an egretty with about 50 pairs of egrets located about 300m away from the application site. It was possible that the ponds in the area served as a feeding ground for the egrets and other birds though she did not have evidence to prove that.

60. The Chairperson asked whether there was any information indicating when the pond started to dry up. Mr. Lam replied that according to aerial photos, the pond had dried up in 2007. Dr. Yip said that the fish pond could not be filled up with water even in rainy days because one of its embankments was broken.

61. A Member asked whether AFCD had any plans to restore the pond if planning permission was not granted, and whether there were any ecological gains if the pond was not filled up for agricultural purposes. Dr. Yip replied that AFCD did not have the right to restore the pond which fell on private land. Her department was concerned about the undesirable precedent this application might set for other similar applications, the cumulative impacts of which would have great ecological consequences.

62. The same Member asked whether any enforcement action had been taken against the unauthorized filling of the ponds to the northwest of the site. Mr. Lam replied that reinstatement notices had been issued by the Planning Authority in November 2008. As the baseline conditions of the original ponds were not available, the concerned owners were required to grass the sites.

Deliberation Session

63. The Chairperson said that as the subject site was under private ownership, it would be difficult for the Government to force the owner to preserve it as a fish pond, particularly as other fishery and agricultural uses were permitted within the "AGR" zone. Mr. Simon Yu said that the site was located on Old Schedule Agricultural Lot, and no action

could be taken by LandsD in this respect.

64. A Member said that the ecological value of the subject pond would increase if the nearby ponds could not be reinstated to their original conditions as it would be the only pond left in the vicinity. If the applicant was mindful of preserving the ecological value of the area, he might be willing to reinstate the pond if the application was not approved. In that case, the fish farming activity might be resumed and this would be in line with the planning intention of the “AGR” zone.

65. The Chairperson asked whether there was any data on the ecological value of the pond. Dr. Yip replied that there was no evidence but the pond might serve as feeding grounds for the egrets.

66. A Member was concerned about the precedent effect set by this application. The Chairperson said that all pond filling activities under the “AGR” zone would require planning permission from the Committee and each application had to be justified with sufficient reasons. She said that in considering whether there would be precedent effect, Members should assess whether there would be cases of similar nature and site context. Another Member commented that he did not consider the approval of this application would set an undesirable precedent for similar applications.

67. A Member observed that the abandoned fish ponds were a sign that the owners did not want to continue with fish farming. In this regard, he considered that agricultural use at the subject site was acceptable. Two Members had no objection to the application and considered that it was important to monitor the situation to ensure that the site would be used for agricultural purposes as proposed by the applicant, instead of turning it into other undesirable uses such as open storage yards.

68. The Chairperson said that there might not be sufficient reason to reject the use of the site which was zoned “Agriculture” for agricultural purpose. Members in general had no objection to the application, but were of the view that PlanD should be requested to closely monitor the development of the site and the compliance of approval conditions. In response to a question from the Chairperson, Mr. W. M. Lam said that, the word “waste” in approval condition (b) included construction and demolition materials under the Waste

Disposal Ordinance.

69. 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 24.7.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no part of the site should be filled to a depth exceeding 1.2m as proposed by the applicant;
- (b) no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition material, should be used to fill the site;
- (c) the submission and implementation of preventive measures to avoid disturbance to the nearby stream and fish ponds to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) in relation to (c) above, no pond filling works on the subject site should commence until the implementation of preventive measures recommended therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) in relation to (e) above, no pond filling works on the subject site should commence until the implementation of the drainage proposal recommended therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with, the approval hereby given should cease to have effect and

should be revoked immediately without further notice.

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

- (a) note District Lands Officer/Yuen Long's comment that his office did not provide maintenance works on the Government land portion of the track nor guarantee a right-of-way;
- (b) note the Chief Building Surveyor/New Territories West, Buildings Department's comment that if there were any non-exempted site formation and drainage works, detailed proposals should be submitted to his department for approval under the Buildings Ordinance; and
- (c) note the Assistant Commissioner for Transport/New Territories, Transport Department's comment 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.

[Mr. Edmund Leung and Ms. Anna Kwong left the meeting at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/585 Temporary Open Storage of Tires for a Period of 3 Years
in "Residential (Group D)" and "Agriculture" zones,
Lots 2879(Part), 2881(Part), 2888(Part), 2889(Part),
2890(Part) and 2900(Part) in D.D. 111,
Wing Ning Lei, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/585)

Presentation and Question Sessions

71. Miss Paulina Y.L. Kwan, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of tires for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural activities in the vicinity of the site were active and the site was of high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were scattered houses along the access road, and environmental nuisance was expected. The Director of Fire Services (D of FS) commented that Dangerous Goods licences might be required for storage of tires. The applicant should approach his department for advice on licensing of the premises where necessary;
- (d) during the statutory publication period, two public comments objecting the application were received. The commenters stated that there were over 100 households of indigenous villagers residing in the vicinity of the site. The development would generate environmental problems, affect the hygiene conditions, lead to fire hazards to these villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The site 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 did not comply with TPB PG-No. 13E as there were local objections and adverse departmental comments. There was no previous approval for open storage of tires in the subject “R(D)” and “AGR” zones. No technical assessment had been carried out to demonstrate that the use under application would not pose any adverse impacts on the surrounding areas.

72. Members had no question on the application.

Deliberation Session

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

- (a) the development did not comply with the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that there were local objections and adverse departmental comments on environmental and agricultural aspects; and
- (b) the development would pose adverse environmental impacts and increase fire hazards to the surrounding areas, and no technical assessments had been conducted to address the potential issues.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/438 Temporary Curtain Wall Testing Centre for a Period of 3 Years
in “Undetermined” zone,
Lot 1232 in D.D. 119 and Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-TYST/438)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary curtain wall testing centre for a period of 3 years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The site was the subject of two previous planning permissions (No. A/YL-TYST/286 and 323) by the same applicant and for the same use. All conditions in the previous planning permission (No. A/YL-TYST/323) had been complied with. The development was not incompatible with the surrounding areas. Since there was no programme for the permanent development at this part of the “Undetermined” (“U”) zone, the temporary development would not frustrate the long-term use of the area. Although DEP did not support the application, there had not been any environmental complaint in the past three years. To address DEP’s concerns, relevant approval conditions had been recommended. The applicant would also be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.

75. Members had no question on the application.

Deliberation Session

76. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.7.2012, 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) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (d) the existing landscape planting implemented under Application No. A/YL-TYST/323 on the application site should be maintained at all times during the planning approval period;
- (e) the existing drainage facilities implemented under Application No. A/YL-TYST/286 on the application site should be maintained at all times during the planning approval period;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2010;
- (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 24.4.2010;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect

and should on the same date be revoked without further notice; and

- (j) upon 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.

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

- (a) resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) note District Lands Officer/Yuen Long, Lands Department's comments that the occupier of the Government land should apply to his office for Short Term Tenancy (STT) to regularize illegal occupation of Government land within the site. Should no STT application be received/approved and the irregularities persisted on the site, his office would consider taking appropriate enforcement/control action against the registered owner/occupier according to the prevailing programme of his office;
- (c) 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;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his office did not maintain the existing access track connecting the site and Kung Um Road;
- (e) 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;

- (f) 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;
- (g) note the Director of Fire Services' comments on the requirements in formulating fire service installations proposal in Appendix III of the Paper; and
- (h) 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. Use of containers as office and storage was considered as temporary buildings which 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 Buildings Ordinance was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. B(P)R 41D was also applicable regarding the provision of emergency vehicular access.

Agenda Item 17

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 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

78. The Committee noted that on 6.7.2009, 9.7.2009 and 14.7.2009, the applicant requested for deferment of the consideration of the application for two months as the traffic and drainage assessments had not been completed. He had already identified a traffic consultant and was in the progress of finding a drainage consultant.

Deliberation Session

79. After further 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 a further period of two months were allowed for preparation of the submission of the further information, and as a total period of six months for preparation of submission of further information had been allowed, no further deferment would be approved by the Committee unless under very special circumstances.

Agenda Item 18

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

80. The Committee noted that on 6.7.2009, 8.7.2009 and 14.7.2009, the applicant

requested for deferment of the consideration of the application for two months as the traffic and drainage assessments had not been completed. He had already identified a traffic consultant and was in the progress of finding a drainage consultant.

Deliberation Session

81. After further 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 a further period of two months were allowed for preparation of the submission of the further information, and as a total period of four months for preparation of submission of further information had been allowed, no further deferment would be approved by the Committee unless under very special circumstances.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/630 Temporary Public Car Park for a Period of 3 Years
 in “Comprehensive Development Area” zone,
 Lots 825 and 826 S.B RP(Part) in D.D.125 and
 Adjoining Government Land, Ha Tsuen, Yuen Long
 (RNTPC Paper No. A/YL-HT/630)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public car park for a period of 3 years;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, one public comment was received. He had no objection to the application but was concerned about the fencing of the site which blocked the pedestrian access to the adjoining lots; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the development could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The development was not incompatible with most of the surrounding uses within the subject "Comprehensive Development Area" ("CDA") zone. As there was no programme to implement the "CDA" zone, approval of the application on a temporary basis for 3 years would not frustrate the planning intention of the "CDA" zone. To mitigate any potential environmental impacts, relevant approval conditions had been recommended. To address the public commenter's concern, an advisory clause (i) regarding the provision of a right-of-way had been suggested. As the last application (No. A/YL-HT/581) was revoked for failing to comply with conditions on landscape and fencing, shorter compliance periods were suggested to monitor the progress of complying with the conditions. The applicant should be advised that if the planning permission was revoked again for failing to comply with any of the approval conditions, sympathetic consideration might not be given to any further application.

83. Members had no question on the application.

Deliberation Session

84. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 24.7.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no parking of container vehicles, including container trailers and tractors, was allowed on the site during the approval period;
- (d) no cutting, dismantling, melting, cleansing, repairing and other workshop activity was allowed on the site during the planning approval period;
- (e) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site during the approval period;
- (f) no open storage of materials was allowed on the site during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-HT/581 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 24.10.2009;
- (i) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.10.2009;
- (j) in relation to (i) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.1.2010;

- (k) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 24.10.2009;
- (l) if the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with at any time during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

85. The Committee also agreed to advise the applicant:

- (a) that prior planning permission should have been obtained before commencing the development on-site;
- (b) that the permission was given to the use/development under application. It did not condone to the open storage use and any other use/development currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) that shorter compliance periods were granted in order to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (e) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and to apply for Short Term Tenancy to regularize the unauthorized occupation of Government land, and to clarify the encroachment of the existing fencing of the site upon the adjacent Lots No. 823 S.B RP and 824 in D.D. 125;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) 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;
- (h) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the pavement of the access track to the site should be maintained in good condition and no loose aggregates/debris should be brought from the site to the nearby public roads through the site access, and adequate drainage measures should be provided to ensure no surface water would flow out from the site to nearby public roads/drains via the access; and
- (i) to liaise with the owners of Lot No. 826 S.B ss.1 s.A in D.D.125 regarding provision of a right-of-way.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/632 Proposed Temporary Open Storage of Containers
for a Period of 1 Year in “Undetermined” zone,
Lots 1824 S.A RP(Part), 1824 S.B RP(Part), 1824 S.C(Part),
1827 S.B(Part), 1827 S.B ss.1, 1828(Part), 1838(Part), 1843(Part),
1844(Part), 1845(Part), 1846(Part), 1848 and 1849(Part) in D.D.125
and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/632)

Presentation and Question Sessions

86. The Committee noted that, on 16.7.2009, the applicant requested for deferment of the consideration of the application for two months in order to allow more time for him to prepare supplementary information on environment and traffic.

Deliberation Session

87. After further 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/634 Temporary Open Storage of Containers with Ancillary Office for a Period of 3 Years in “Open Storage”, “Recreation” and “Village Type Development” zones, Lots 1103 RP, 1104 RP, 1105, 1106 (Part), 1107, 1109, 1110 (Part), 1130 RP(Part), 1131 (Part), 1132 (Part), 1138 (Part), 1139 RP(Part), 1139 S.A RP, 1140 (Part), 1141 RP, 1142, 1143 RP (Part), 1145 (Part), 1152 (Part), 1153 (Part), 1154 RP(Part), 1155 (Part), 1156, 1157 (Part), 1158 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1165, 1166, 1168 (Part), 1169 RP(Part), 1181 (Part), 1188 RP(Part), 1189 RP (Part), 1190(Part), 1191 (Part), 1192 (Part), 1193 (Part), 1194 (Part), 1195(Part) and 1196 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/634)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers 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 uses in the vicinity of the application site and the access roads (Ha Tsuen Road and Tin Ha Road), and environmental nuisance was expected. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) considered that approval of the application would set an undesirable precedent for other similar applications in the surrounding areas, and would

induce cumulative adverse traffic impacts on the nearby road network;

- (d) during the statutory publication period, one public comment submitted by a Member of the Yuen Long District Council was received. He objected the application for the reasons that there would be noise and dust nuisance generated by the handling of containers and heavy goods vehicles at the site; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The current application site was an extension to the application site under the approved application No. A/YL-HT/621 towards the northeast covering an additional piece of land falling within the “Recreation” (“REC”) and “Village Type Development” (“V”) zone. The open storage use in the northeast portion of the application site was not in line with the planning intention of the “V” zone and was not compatible with the nearby village settlements. The site fell within Categories 1, 2 and 4 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 development was not in line with TPB PG-No. 13E as there were adverse departmental comments and a local objection. No planning permission had been granted for container storage use in the “REC” portion of the site before. Three previous planning applications (A/YL-HT/524, 552 and 576) had been rejected by the Committee in 2008. Approval of this application would set an undesirable precedent for similar applications in the area.

89. Members had no question on the application.

Deliberation Session

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

- (a) the extension of the container yard further to the north was not in line with the planning intention of the “V” zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The approval of the application would frustrate the planning intention of the “V” zone. No strong planning justification had been given in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the applied use at the northern portion of the site was not compatible with the nearby village settlements, in particular the residential dwellings to the east and the cluster of village type developments to the north, there were adverse departmental comments, and the development would have adverse environmental and traffic impacts on the surrounding areas.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/192 Temporary Open Storage of Scrap Metal for a Period of 3 Years
in “Village Type Development” zone,
Lots 2593(Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/192)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. The development was not in line with the planning intention of the “Village Type Development” (“V”) zone, and was not compatible with the nearby village settlements. The site fell within Category 4 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 did not meet TPB PG-No. 13E as no previous approval had been granted for similar open storage uses at the site and there was adverse comment from DEP. All previous applications (No. A/YL-LFS/20, 50 and 83) were rejected by the Committee. There was no change in planning circumstances to warrant a departure from the Committee's previous decisions.

92. Members had no question on the application.

Deliberation Session

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

- (a) the applied use was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to designate both existing recognized villages and areas of land considered suitable for village expansion. The approval of the application would frustrate the planning intention of the “V” zone. No strong planning justification had been given in the submission for a departure from such planning intention, even

on a temporary basis;

- (b) the 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 the applied use was not compatible with the nearby village settlements to the southeast and southwest. There was adverse comment from concerned Government department on the environmental aspect, and the development would have adverse environmental impacts on the surrounding areas. There were no special circumstances to justify approval of the application; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the same “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the village environment of the area.

[Mr. Timothy Ma left the meeting temporarily at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/189 Proposed Temporary Container Tractor/Trailer Park
for a Period of 3 Years in “Other Specified Uses” annotated
“Comprehensive Development to include Wetland Restoration Area”
zone, Lots 1212 S.B RP (Part) and 1212 S.C ss.3 RP (Part) in D.D. 115,
Chung Yip Road, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/189)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary container tractor/trailer park 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 access road and the site, and environmental nuisance was expected. One complaint against the site was received in 2007 on the ground of air pollution. The Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on the application but considered that the development might not be compatible with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone and should be discontinued in the long run;

[Mr. Timothy Ma returned to join the meeting at this point.]

- (d) during the statutory publication period, six public comments were received. They were submitted by three Members of the Yuen Long District Council (YLDC), village representatives (VRs) of Shan Pui Chung Hau Tsuen, the Owners’ Committee of The Parcville (The Parcville), and the HK School of Motoring (HKSM). The first three groups of commenters objected to the application mainly on the grounds of noise, adverse traffic impacts, and environmental hygiene issues. On 8.7.2009, The Parcville also wrote to Legislative Councillor Hon. Tam Yiu Chung regarding the adverse impacts caused by the proposed development. The HKSM, being the maintenance agent of Chung Yip Road, objected to the application mainly for the reason that it would interfere with the operation of the driving school; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in Paragraph 12 of the Paper. Although two adjacent temporary parking lots for container tractors/trailers and private cars under Applications No. A/YL-NSW/147 and 148 were allowed by the Town Planning Appeal Board for a period of 2 years up to 28.8.2009 mainly for the reason that the developments had

been in use for nearly 10 years, no planning permission had been granted for parking of container tractors/trailers at the site before. As the planning intention of the “OU(CDWRA)” zone was to phase out the existing sporadic open storage/port back-up uses on degraded wetlands, it was prudent not to support the application. The site 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 proposed development did not meet TPB PG-No. 13E as there was no previous planning approval at the site. The site was also located within the Wetland Buffer Area under the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12B) where applications for port back-up uses would normally not be allowed. The site had not been subject to any previous planning approval. Approval of the application would set an undesirable precedent for similar applications within the “OU(CDWRA)” zone.

95. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no strong planning ground to justify a departure from the planning intention, even on a temporary basis;
- (b) the 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 was no previous planning approval for a similar use at the site;

there were adverse comments from Government departments and objections from members of the public; and environmental nuisance was expected; and

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

[The Chairperson thanked Mr. C.C. Lau, Mr. W.M. Lam, Miss Paulina Y.L. Kwan and Mr. Anthony C.Y. Lee, STPs/TMYL, and Dr. Jackie Yip, Nature Conservation Officer (Yuen Long), Agriculture, Fisheries and Conservation Department, for their attendance to answer Members’ enquires. Mr. Lau, Mr. Lam, Miss Kwan, Mr. Lee and Dr. Yip left the meeting at this point.]

Agenda Item 24

Any Other Business

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

- (i) A/YL-HT/608-1 Application for Extension of Time for Compliance with Planning Conditions for 3 months – Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots No. 1845 (Part) and 1846 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/608-1)
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- (ii) A/YL-HT/609-1 Application for Extension of Time for Compliance with Planning Conditions for 3 months – Temporary Recyclable Collection Centre (Including Plastics, Paper and Metals) for a Period of 3 Years in “Undetermined” zone, Lots No. 1837 (Part), 1838 (Part), 1843 (Part) and 1844 (Part) in D.D.125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/609-1)
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97. Noting that the two applications were similar in nature and the application sites were close to each other and within the same zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

98. The Secretary reported that both applications for extension of time (EOT) to comply with approval conditions (d) to (g) were received on 13.7.2009. However, as the deadline for compliance with approval conditions (d), (e) and (f) was 17.7.2009, there was not enough time for the Planning Department to process the applications. The planning permissions had already been revoked on 17.7.2009, and therefore the EOT applications could not be considered by the Committee.

Deliberation Session

99. After deliberation, the Committee agreed that the applications for extension of time could not be considered as there was insufficient time to process the applications.

100. There being no other business, the meeting was closed at 4:35 p.m..