

TOWN PLANNING BOARD

Minutes of 400th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 7.8.2009

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. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

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

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

Assistant Director/New Territories, Lands Department
Mr. Alan Lo

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

Secretary

Absent with Apologies

Mr. Edmund K.H. Leung

Mr. Y.K. Cheng

Dr. James C.W. Lau

Mr. Rock C.N. Chen

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. Ivan Chung

Town Planner/Town Planning Board
Ms. Karen K.W. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 399th RNTPC Meeting held on 24.7.2009

[Open Meeting]

1. The Secretary reported that amendment to the draft minutes of the 399th RNTPC meeting held on 24.7.2009 proposed by Mr. Alan Lo, the Assistant Director/New Territories, Lands Department was received. Mr. Lo suggested replacing “short term waiver” by “temporary waiver” at the end of paragraph 44 under Agenda Item 11 on page 36.

2. The Committee agreed to the proposed amendment and confirmed the minutes of the 399th RNTPC meeting held on 24.7.2009 subject to the incorporation of the amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mr. C.T. Lau, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/97 Proposed Minor Relaxation of Site Coverage
for Permitted House Development
in “Residential (Group C)” zone,
Lot 246 in D.D. 331,
Cheung Fu Street,
Cheung Sha, Lantau
(RNTPC Paper No. A/SLC/97)

Presentation and Question Sessions

4. Mr. C.T. Lau, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of site coverage for permitted house development to accommodate a guard house comprising a caretaker’s office and caretaker’s quarters;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) during the statutory publication period of the application and the further information, 23 public comments were received mainly on the grounds that there was no need for a guard house within a residential development with only four houses; the location of the proposed residential properties and guard house would raise privacy issue and security concerns for the neighbouring houses; noise and light pollution generated from the guard house would cause environmental incompatibility with the neighbourhood; the proposed guard house would block the sunlight and air-flow and the proposed guard house did not comply with non-building buffer zone requirement; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed guard house was for building management purpose and could be considered as an ancillary facility of the permitted house development being in line with the planning intention. The proposed relaxation of site coverage was considered minor and unlikely to cause any adverse environmental, traffic, landscape, visual and sewerage impacts to the surrounding area. Regarding the public comments concerning the pollution of noise and light and the issue on airflow, relevant Government departments had no adverse comments on the application. The proposed guard house was not in close proximity to the nearby residential buildings, there was no requirement under the lease of the subject site to reserve a non-building zone along the site boundary, therefore the issues of privacy and security were not considered relevant.

5. Members had no question on the application.

Deliberation Session

6. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a Landscape Proposal with Tree Preservation Proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of access road and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the Chief Building Surveyor/New Territories East 1 & Licensing of Buildings Department's comments that :
 - (i) the guard house with caretaker's office and caretaker's quarters were accountable for gross floor area and site coverage under the Buildings Ordinance (BO); and
 - (ii) submission to Buildings Department should comply with the BO;
- (b) to note the Chief Town Planner/Urban Design & Landscape, Planning Department's comments that roof greening, in particular for the roof of the proposed guard house, should be considered in preparing the Landscape Proposal submission; and
- (c) to note the Chief Engineer/Hong Kong & Islands, Drainage Services Department's comment that as the development might cause potential drainage impact to the surrounding, the applicant was required to submit a project profile to the Director of Drainage Services for consideration; and if necessary, the applicant might be requested to undertake a Drainage Impact Assessment Study.

[The Chairperson thanked Mr. C.T. Lau, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Lau left the meeting at this point.]

[Ms. Maggie Chan and Mr. Tony Kan arrived to join the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/ST/7

Application for Amendment to the
Approved Sha Tin Outline Zoning Plan No. S/ST/23
from “Open Space” to “Other Specified Uses” annotated
“Open Space with Historic Building and Hotel Development”,
Lots 533 S.E, 533 S.F RP, 533 S.G, 533 S.H,
533 S.J RP and 533 S.J ss.1 in D.D. 184, STTL 310
and Adjoining Government Land,
J/O Tai Chung Kiu Road and Lion Rock Tunnel Road,
Sha Tin
(RNTPC Paper No. Y/ST/7E)

8. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd.. Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd.. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap could stay at the meeting. Members also noted that Mr. Cheng had tendered an apology for being unable to attend the meeting.

9. The Committee noted that the applicant’s representative had requested on 22.7.2009 for deferment of the consideration of the application for three months in order to allow time for the preparation of supplementary information to address departmental comments, particularly the technical comments from the Drainage Services Department and Transport Department which required further clarification from the applicant.

10. After deliberation, the Committee decided to defer a decision on the application

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

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

Agenda Item 5

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Further Amendments to the
Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan No. S/NE-LYT/12
(RNTPC Paper No. 11/09)

Presentation and Question Sessions

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

- (a) background – on 13.2.2009, the Rural and New Town Planning Committee (the Committee) of the Board agreed to some proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/12. Also, on 10.7.2009, the Committee partially agreed to a s.12A application (No. Y/NE-LYT/9) to rezone a site at Lots 897RP (Part) and 916 S.B. RP (Part) in D.D. 83 and adjoining Government Land in Ma Liu Shui San Tsuen, Fanling from “Agriculture” (AGR)” and “V” to “R(C)” to facilitate a proposed low-rise residential development. Part of the application site would be rezoned from “AGR” to “R(C)”, but those areas falling within ‘village environs’ (‘VE’) of Ma Liu Shui San Tsuen would be partly retained as “V” and partly rezoned from “AGR” to “V”.

Furthermore, pursuant to Planning Department's Land Use Review for the area adjoining the application site, land parcels along Lung Ma Road and west of the 'VE' were proposed to be rezoned as "R(C)" to reflect the existing use and promote upgrading of the low-rise and low-density residential developments mainly through land exchange or lease modifications. For the areas within the 'VE', it was proposed to be rezoned to "V" as an extension of the "V" zone in Ma Liu Shui San Tsuen for Small House development;

- (b) proposed amendments to OZP – to take forward the Committee's earlier decisions on a separate s.12A application No. Y/NE-LYT/4, two sites would be rezoned from "R(C)" and "V" to "Government/Institution or Community(1)" ("G/IC(1)"). The north-western and south-eastern parts of the "G/IC(1)" zone were subject to different building height restrictions for the existing building and the proposed extension respectively. Also, in view of the merging of the Kowloon-Canton Railway Corporation and the Mass Transit Railway Corporation, the zone "Other Specified Uses" annotated "Kowloon Canton Railway" was proposed to be amended as "Other Specified Uses" annotated "Railway". Moreover, in accordance with the RNTPC's partial agreement to the rezoning application (No. Y/NE-LYT/9) and endorsement of the land use review for land areas along Lung Ma Road, two sites would be rezoned from "AGR" to "R(C)" and "V";
- (c) proposed amendments to the Notes of the OZP - a new set of Notes was proposed for the "G/IC(1)" sub-zone with reference to the Master Schedule of Notes to Statutory Plans and the RNTPC's decision on 11.5.2007. In the Notes for the proposed "G/IC(1)" zone, 'Religious Institution' use was put under Column 2 and a stipulation of a maximum plot ratio of 0.38. For building height, a maximum building height of 2 storeys (excluding basement(s)) was specified with the north-western part of the zone subject to a maximum building height of 19 metres above Principal Datum (mPD) and the south-eastern part subject to a maximum building height of 22mPD respectively. Moreover, minor relaxation of the plot ratio/height

restriction could be considered on application to the Town Planning Board. The zone “Other Specified Uses” annotated “Kowloon-Canton Railway” was amended as “Other Specified Uses” annotated “Railway”; and

- (d) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the proposals to rezone the area along Lung Ma Road to other uses from an agricultural development point of view. The District Officer (North), Home Affairs Department advised that two objections from the Chairman of the Fanling District Rural Committee and the Residents Representatives and Indigenous Inhabitants Representatives of Ma Liu Shui San Tsuen were received against the proposed amendment. They reiterated their objections raised to the Committee in May 2007 when the s.12A application No. Y/NE-LYT/4 was considered by the Committee. Their objections were mainly on ‘fung shui’, social relation, religious conflict, visual impact and environmental hygiene grounds. The objectors were also worried that the proposed development would destroy the tranquility of the village.

12. Members had no question on the proposed amendments.

Deliberation Session

13. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/12 and the Notes as mentioned in paragraphs 4 and 5 of the Paper;
- (b) agree that the draft OZP No. S/NE-LYT/12B at Annex B (to be renumbered to S/NE-LYT/13 upon gazetting) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as

an expression of the planning intentions and objectives of the Town Planning Board for various land use zones on the draft Lung Yeuk Tau and Kwan Tei South OZP and to be issued under the name of the Town Planning Board; and

- (d) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/NE-LYT/12B (to be renumbered to S/NE-LYT/13 upon gazetting).

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/396 Temporary Car Parking and Loading/Unloading Area
for a Period of 3 Years
in “Residential (Group C)” zone,
Lots 799 S.A RP and 800 S.B RP and 801 S.B in D.D. 83,
Sha Tau Kok Road,
Fanling
(RNTPC Paper No. A/NE-LYT/396)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary car parking and loading/unloading area for a period of three years;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) during the statutory publication period, a public comment supporting the application was received. The District Officer (North), Home Affairs Department advised that the Chairman of the Fanling District Rural Committee, Residents' Representative (RR) and Indigenous Inhabitants Representatives (IIR) of Fu Tei Pai raised objections against the application as temporary car parking and loading/unloading use might cause air and noise pollution and traffic jam on Sha Tau Kok Road. RR and IIR of Ma Liu Shui San Tsuen had no adverse comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. Two previous applications were approved for the same nature of the temporary car parking and loading/unloading area since 2005, there was no change in planning circumstances since the latest approval. The applicant had complied with all the approval conditions attached to the previous planning permission. The proposed use would not frustrate the long term planning intention of the site as there was no programme for the implementation of the intended low-density residential developments. The development under application was considered not incompatible with the surrounding land uses and was unlikely to cause any significant impacts on the traffic, drainage, environmental and landscape aspects. There was no adverse comment from concerned departments and no environmental complaint received. Although there were local objections on possible pollution and traffic grounds, both Drainage Services Department and Transport Department had no in-principle objection to the application and relevant approval conditions would be imposed to minimize the drainage impacts.

15. Members had no question on the application.

Deliberation Session

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

temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2010;
- (d) the submission of proposals for water supplies for firefighting and fire service installations (FSIs) within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (e) in relation to (d) above, the provision of firefighting access, water supplies and FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the Chief Engineer/Development (2), Water Supplies Department's

comments that the application site was located within the flood pumping catchment area associated with River Indus and River Ganges pumping stations;

- (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 FSIs 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 Fire Services Department (FSD) Circular Letter 5/2008;
 - (iii) fire alarm system should be provided throughout the entire building in accordance with BS 5839: Part 1: 1988 and FSD Circular Letter 1/2002. One actuation point and one audio warning device 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 Fire Services (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 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; and
- (d) the permission was only given to the use/development under application. It did not condone any other use/development existing on the site that was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/320 Proposed House (New Territories Exempted House-Small House)
in “Green Belt” zone,
Lot 26 S.B (Part II) in D.D. 46,
Tai Tong Wu,
Fanling, N.T.

(RNTPC Paper No. A/NE-TKL/320)

[Professor Edwin Chan arrived to join the meeting and Professor Dudgeon left the meeting temporarily at this point.]

18. The Secretary reported that Professor David Dudgeon had declared interest in this item as he was a Trustee of World Wide Fund (Hong Kong), which had submitted comments on the application. Members noted that Professor Dudgeon had left the meeting temporarily for this item.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) was not in favour of the application as it was against the planning intention and approval of the application would set an undesirable precedent. The Chief Engineer/Boundary Control Point, Civil Engineering and Development Department (CE/BCP, CEDD) did not support the application as the application site was located in the vicinity of the proposed new road connecting the proposed Liantang/Heung Yuen Wai Boundary Control Point with the Tolo Highway via Fanling Highway. The alignment was being reviewed and the extent of impact to the subject land lot could not be ascertained until the finalization of the alignment of the proposed road works in late 2010. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application in that Small House development should be confined within “Village Type Development” (“V”) zone. Approval of the application would set an undesirable precedent and the cumulative adverse traffic impact resulted from similar applications in the future would be substantial. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD & L, PlanD) objected to the application as the application would lead to continual proliferation of Small House in “Green Belt” (“GB”) zone, thus undermining the intactness of the “GB” zone and its rural landscape character;
- (d) during the statutory publication period, 3 public comments were received. One public comment stated “no comment” while the other two public

comments were submitted by Kadoorie Farm & Botanic Garden Corporation and World Wide Fund (Hong Kong) against the application on the grounds that the proposed Small House was not in line with the planning intention of “GB” zone; there would be adverse landscape and ecological impacts; and the proposed development would set an undesirable precedent; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development did not meet the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories, as it would encroach onto the planned road network and cause adverse impacts on the surrounding areas. CE/BCP, CEDD and AC for T/NT, TD did not support/had reservation on the application. The proposed development was not in line with the planning intention of “GB” zone. DAFC and CTP/UD&L, PlanD raised objection to the application. The proposed Small House development did not comply with the assessment criteria under Town Planning Board Guidelines No. 10 for “Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance”. There was a general presumption against development in “GB” zone.

20. A Member, with reference to Plan A-4 of the Paper, noted that there was no more trees left in the application site and asked whether the site had been cleared on purpose. Mr. W.K. Hui responded that according to Plan A-4, the area of the application site was about 137m², and it should have been cleared and formed on purpose. He added that according to the aerial photo shown on Plan A-3 of the Paper, there were still clusters of trees in the vicinity of the application site and it was important to ensure the intactness and rural landscape character of the surroundings as commented by CTP/UD&L, PlanD. Besides, the application might also affect the new road connecting the proposed Liantang/Heung Yuen Wai Boundary Control Point. On these premises, the application was not supported.

Deliberation Session

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

- (a) the use under application was not in line with the planning intention of the “Green Belt” (“GB”) zone for the area which was to define the limits of urban and sub-urban type development by natural features such as foothills, knolls and woodland and to contain urban sprawl as well as to provide passive recreational outlets for the enjoyment of the community. There was no strong justification in the submission for a departure from the planning intention;
- (b) the use under application would cause adverse landscape impact to the surrounding areas;
- (c) the application site was located in the vicinity of and might affect the planned connecting road of the proposed Liantang/Heung Yuen Wai Boundary Control Point which was currently under study by Civil Engineering and Development Department; and
- (d) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative impacts of approving such similar applications would cause adverse landscape and traffic impacts to the surrounding areas.

[Professor David Dudgeon returned to join the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/282 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 700 S.D and RP in D.D. 23,
Po Sam Pai Village,
Tai Po
(RNTPC Paper No. A/NE-TK/282)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application and advised that as water supply and road access were available in the area, the site had high potential for agricultural rehabilitation;
- (d) during the statutory publication period, 3 public comments against the application were received. The public comments were mainly related to an existing footpath traversing the site. The commenters worried that the construction of the Small House would block the footpath connecting Ting Kok Road to the agricultural land uphill. The District Officer (Tai Po), Home Affairs Department advised that while the Indigenous Inhabitant Representatives of Po Sam Pai Village had no objection to the application, they were of the view that the footpath traversing the site should be

maintained and the sewerage should be properly installed; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed NTEH/Small House development complied with the Assessment Criteria for NTEH/Small House development in that more than 50% of the footprint of Small House and the application site fell within the “Village Type Development” (“V”) zone. There was a general shortage of land in meeting the demand for Small House development in the “V” zone of Ting Kok Village. Although DAFC did not support the application, the proposed Small House was not incompatible with the existing village setting with village houses to the southeast of the site. Regarding the public comments on the removal of the existing footpath, the applicant undertook to re-provision a footpath of 1m wide as a right-of-way within his private land so as to maintain the pedestrian access for the nearby villagers/residents. The applicant would also register a Deed annexed with plan showing the alignment of the right-of-way on the lot(s) concerned in the Land Registry. An approval condition was recommended to be imposed regarding the re-provisioning of the footpath.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2013, 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 re-provisioning of the existing footpath within the site to the satisfaction of the Director of Lands or of the TPB;

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

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

- (a) the applicant was required to register a relevant Deed annexed with a plan showing the alignment of the footpath as a right-of-way within the lot(s) concerned in the Land Registry;
- (b) to consult the Director of Environmental Protection regarding the sewage treatment/disposal method for the proposed development;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department, the Chief Engineer/Development (2), Water Supplies Department and the Director of Electrical and Mechanical Services' comments in paragraphs 2, 3 and 7 of Appendix IV of the Paper respectively; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 9 and 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/283 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lots 749 S.B, 750 S.A and 751 S.A in D.D. 17,
Ting Kok,
Tai Po
(RNTPC Paper No. A/NE-TK/283)

A/NE-TK/284 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lots 749 RP and 750 RP in D.D. 17,
Ting Kok,
Tai Po
(RNTPC Paper No. A/NE-TK/284)

26. Noting that the two applications were similar in nature and the application sites were close to each other and within the same “Agriculture” (“AGR”) zone, Members agreed that the applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the applications as the sites

were not within the “Village Type Development” (“V”) zone and the ‘village environs’ (‘VE’) of any recognised villages. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as agricultural activities could be found in nearby and the sites had high potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the applications and raised concern on the cumulative adverse traffic impact. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as the proposed Small Houses would involve site clearance and it was likely that all the existing trees on site would need to be removed;

- (d) during the statutory publication period, 2 public comments were received on both applications. One of the public comments was jointly submitted by the Village Representative and 3 local villagers of Lo Tsz Tin objecting to the applications. The other public comment was submitted by Segor Limited, stating that the subject sites fell within the site boundary of a s.12A application No. Y/NE-TK/6; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 11 of the Paper. Although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed developments did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the sites were entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, DAFC, CTP/UD&L, PlanD and AC for T/NT, TD raised objections to the application. As no similar planning application for Small House developments had been approved before in the vicinity, approval of the applications would set an undesirable precedent for other similar applications.

Deliberation Session

28. After deliberation, the Committee decided to reject each of the applications and the reasons were :

- (a) the proposed development did not comply with the interim criteria for assessing planning application for New Territories Exempted House/Small House development as the site was entirely outside the “Village Type Development” zone and the ‘Village Environs’ of any recognised villages; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/285 Proposed Temporary Shop and Services
(Fresh Provision Shop and Food Factory) for a Period of 3 Years
in “Agriculture” zone,
Lot 1030 (Part) in D.D. 29,
Ting Kok,
Tai Po
(RNTPC Paper No. A/NE-TK/285)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary shop and services (fresh provision shop and food factory) for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the temporary use from agricultural point of view as the site was considered suitable for various agricultural purposes. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) advised that the applicant should ensure that adequate parking, loading and unloading spaces would be provided within the site to prevent vehicles waiting and queuing back onto Ting Kok Road. Adequate lighting should be provided to ensure road safety in the area;
- (d) no public comment was received during the statutory publication period. The District Officer (Tai Po), Home Affairs Department advised that the Indigenous Inhabitant Representatives (IIRs) and the Resident Representative of Ting Kok had been consulted. One of the IIRs raised objection to the application for the pollution generated by the temporary use on the nearby residents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The proposed fresh provision shop and food factory were not in line with the planning intention of “Agriculture” (“AGR”) zone, which was primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC did not support the temporary use from agricultural point of view. The use of the site for fresh provision shop and food factory, involving clientele and food preparation would generate additional vehicle trips and potential nuisances to the nearby residents. There was local concern on potential nuisances caused by the temporary use on the nearby villagers. In this regard, AC for T/NT, TD raised concern on possible vehicles waiting and queuing back onto Ting Kok Road. The applicant had not provided sufficient information to demonstrate that the temporary use would not cause adverse traffic and

environmental impacts on the area.

30. Members had no question on the application.

Deliberation Session

31. A Member asked whether an application only for fresh provision shop would have different planning circumstances. Mr. W.K. Hui responded that in terms of land use compatibility, a fresh provision shop catering to the needs of the local residents should be located within the existing villages. Development of a retail shop within an “Agriculture” (“AGR”) zone, however, was considered not in line with the planning intention and could not be supported from the planning point of view. The Chairperson remarked that should the proposed development intend to serve the need of the local villagers, alternative site/premises (e.g. ground floor of village houses) should be identified within the existing village settlements.

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

- (a) the development was not in line with the planning intention of the “Agriculture” zone which was intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no justification given in the submission for a departure from such planning intention even on a temporary basis; and
- (b) there was insufficient information in the submission to demonstrate that the development would not cause adverse traffic impacts and potential nuisances to the nearby residents.

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

Tuen Mun and Yuen Long District

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/186 Temporary Open Storage of Construction Materials (Bamboo) and Construction Machinery for Construction of Small Houses on Site for a Period of 1 Year in “Village Type Development” zone, Lots No. 1616 (Part), 1625 RP (Part), 1625 S.A (Part), 1625 S.B ss.1 (Part), 1625 S.B RP (Part), 1625 S.B ss.2 (Part), 1625 S.C RP (Part), 1625 S.C ss.1 (Part), 1625 S.D (Part), 1625 S.F to 1625 S.J, 1625 S.K (Part), 1625 S.L (Part), 1625 S.M (Part), 1625 S.P (Part), 1626 (Part), 1629 S.A (Part), 1629 S.B (Part), 1629 S.C to 1629 S.E, 1629 S.F (Part), 1629 S.G (Part), 1629 S.H (Part) and 1629 RP (Part) in D.D. 130 and Adjoining Government Land, Lam Tei and Yick Yuen, Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/186)

Presentation and Question Sessions

33. Mr. C.C. Lau, STP/TMYL, informed the meeting that further information submitted by the applicant’s agent was received and tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary open storage of construction materials (bamboo) and construction machinery for construction of small houses on site for a period of 1 year;
- (c) departmental comments – the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) advised that there were 17 active Small House applications received but were currently frozen because of the project of the Tuen Mun Western Bypass (TMWB) project. 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. The Project Manager/Hong Kong-Zhuhai-Macao Bridge Hong Kong Project Management, Highways Department (PM/HZMB HK, HyD) had concerns over the implication of the application as the site fell within one of the proposed alignment options for the TMWB. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application that whilst the applicant had proposed to plant trees at the site’s periphery for screening, the issue concerning compatibility might not be fully resolved;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Tuen Mun), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The applicant claimed that the current application was for open storage of construction machinery and construction materials pending construction of Small Houses on site zoned “Village Type Development” (“V”). Should the temporary open storage be genuinely related to construction of the approved Small Houses, it could be considered as an essential ancillary works area for Small House development in “V” zone which did not require planning permission from the Board. However, DLO/TM, LandsD advised that the Small House applications were currently frozen because of the TMWB. PM/HZMB HK, HyD confirmed that the site fell

within one of the proposed alignment options of TMWB. As such, the use of site for open storage of construction machinery and materials could not be regarded as an essential ancillary works area for Small Houses, the approval for which was still uncertain. The proposed temporary open storage use was considered not fully in line with the planning intention of “V” zone. There was no strong planning justification for a departure from such planning intention. The application also did not meet the criteria of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). DEP and CTP/UD&L, PlanD did not support/raised concerns on the application. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area and further extensive clearance of existing landscape.

34. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of “Village Type Development” (“V”) zone. There was no strong planning justification in the submission for a departure from such planning intention;
- (b) the development was not in line with the Town Planning Board Guidelines No. 13E in that there was no previous approval at the site, the use was not compatible with the residential dwellings in the surrounding areas and no technical assessments/proposals had been included in the submission to demonstrate that the proposed use would not generate traffic, drainage, environmental and landscape impacts on the surrounding areas; and

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/187 Proposed Temporary Social Welfare Facility (Social Service Centre)
for a Period of 3 Years
in “Comprehensive Development Area” zone,
G/F (Part), Retail Podium,
The Sherwood,
8 Fuk Hang Tsuen Road,
Lot 2860 RP (Part) in D.D. 130,
Lam Tei,
Tuen Mun, New Territories
(RNTPC Paper No. A/TM-LTYYY/187)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary social welfare facility (social service centre) for a period of 3 years;
- (c) departmental comments – the Secretary for Labour and Welfare (SLW) supported the applicant to set up an Integrated Suicide Prevention Intervention Resources and Education Centre at the subject premises from

the welfare perspective;

- (d) during the statutory publication period, 5 public comments were received. A commenter objected to the application and suggested the application premises be used as a wet market. Another commenter considered that the proposed temporary social services centre was not suitable because it was not open to public. Increasing number of young people in the locality demanded an open public social service. A commenter considered the proposed temporary social services centre was a good proposal. More community facilities had to be provided in view of a lack of Government, or community services in the locality. Another commenter supported the application but remarked that the Town Planning Board should not reduce community land in Lam Tei. The Sherwood Owners' Committee (SOC) informed that its mainstream opinion was not to support. The application premises should be retained for nursery and kindergarten; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment given in paragraph 10 of the Paper. The application was only for a proposed 3-year temporary social services centre, it would not frustrate the long-term intention of the premises for kindergarten and nursery purposes. The application premises was at the inner part of the retail podium which had direct entrance/exit to Fuk Hang Tsuen Road separated from the entrance of the residential towers above. Therefore, the proposed use would not have significant interfacing issues with the residential portion of the subject development. Most of the visitors, staff and volunteers would come to the centre by public transport, it was anticipated that the proposal would not have significant adverse traffic impact on the nearby road network. The Assistant Commissioner for Transport/New Territories, Transport Department had no objection to the application. Regarding the commenters' concerns on the provision of wet market, public community services, retaining land for community uses in the locality and preserving the application premises for kindergarten and nursery, it was noted that there was already a supermarket within the subject retail podium. The proposed use would include facilities such as

library, resource centre, career training centre etc., which were open to the public. The temporary use of the premises for social service centre would not frustrate the long-term intention for nursery and kindergarten. Moreover, the Secretary for Education had no objection to the proposed temporary social welfare centre.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of 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 7.2.2010;
- (b) in relation to (a) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to note the District Lands Officer/Tuen Mun, Lands Department's comment on the need to apply for a temporary wavier from his office to effect the proposed change of use; and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if non-exempted works area involved, plans

should be submitted by an authorized person to the Building Authority for approval and to apply for consent to commence works under the provisions of the Buildings Ordinance; the need to comply with the means of escape requirements under Building (Planning) Regulation (B(P)R) 41; the premises should be separated from the adjoining unit and the corridor with walls of fire resisting period not less than 2 hours and the door to the corridor was having an Fire Resistance Period of not less than 1 hour; the need to comply with Barrier Free Access provisions in accordance with B(P)R 72; and detailed comments would be given upon building plans submission stage.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/371 Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a Period of 3 Years in "Residential (Group D)" zone, Lots 158, 162 RP (Part) and 198 S.B in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long, New Territories
(RNTPC Paper No. A/YL-ST/371)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary public vehicle park (including container vehicles and heavy goods vehicles) 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 the environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The application was considered in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). The temporary public vehicle park (including container vehicles and heavy goods vehicles) was considered not incompatible with the surrounding land uses. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “Residential (Group D)” (“R(D)”) zone as there was no immediate development proposal for this part of the zone. To address DEP's concerns, relevant approval conditions restricting the operation hours and workshop activities on-site were recommended in the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. The applicant would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts. To address other technical concerns from the relevant departments including the Chief Engineer/Mainland North, Drainage Services Department and the Chief Town Planner/Urban Design and Landscape, Planning Department, relevant approval conditions and advisory clauses had been recommended for the planning approval.

41. Members had no question on the application.

Deliberation Session

42. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no car washing, dismantling, repairing works involving metal cutting, drilling, hammering, paint spraying and oil/lubricant changing were allowed on the site at any time during the planning approval period;
- (d) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (f) the implementation of compensatory planting within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was located on several Old Schedule Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without prior approval from his Office. Furthermore, it included adjoining Government land (GL) which ought not to be occupied unless approval from his Office was given. His Office reserved the right to take enforcement/control action against these irregularities, if indeed found in due course. Should planning approval be granted, the registered owner concerned should apply for a Short Term Waiver (STW) if structures were to be erected thereon, and the occupier of GL should apply for a Short Term Tenancy (STT), to regularize the irregularities on-site. Should no STW/STT application be

received/approved and the irregularities persist on-site, his Office would consider taking appropriate lease enforcement/land control action according to the prevailing programme of his Office in this regard;

- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department’s detailed comments in Appendix V of the Paper;
- (g) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s advice that the vehicles were parked in close proximity of the existing trees. The applicant might consider to construct a kerb or bollard at a minimum distance of 1m from the tree trunk to guard against damage to the trees;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut and was accessible from a street having a width not less than 4.5m wide, the development intensity should be determined by the Building Authority under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (i) to note the Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. 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 measures as prescribed in Appendix VI of the Paper.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/305 Temporary Container Storage with Ancillary Repair Workshop
for Container Vehicles and Trailers for a Period of 3 Years
in "Open Storage" zone,
Lots 664 (Part), 669 (Part), 670 (Part), 671 (Part), 672, 673, 714 (Part),
715 (Part), 716 (Part), 717 (Part), 723 S.A (Part), 724, 727 (Part),
728 (Part), 729 (Part), 730 (Part), 731 (Part), 734 (Part), 762 S.D (Part),
768 in D.D. 123 and Lots 558 (Part), 562 (Part), 588 (Part) in D.D. 126
and Adjoining Government Land,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/305)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container storage with ancillary repair workshop for container vehicles and trailers for a period of 3 years;
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands

Department (DLO/YL, LandsD) had reservation on the application and advised that the site, with an area of about 8,417m², included about 5,168m² of Government land which had been occupied without authorization. Such a size was quite significant;

- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The container storage with ancillary repair workshop for container vehicles and trailers was considered broadly in line with the planning intention of the “Open Storage” (“OS”) zone. The development was compatible with the surrounding land uses which were mostly container vehicle parks, workshops, open storage yards and vehicle repairing workshops. The application was considered in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). Regarding DLO/YL's concern on the Government land involved, the applicant clarified that the piece of Government land was land-locked by private lots. There was no independent vehicular access and any future operator would be required to seek right-of-way from the owners of the application site. Moreover, the occupation of Government land was a land administration matter to be resolved between the applicant and the Land Authority. Other Government departments had no objection on the application. The technical concerns raised by the departments including drainage proposal and land status, management and maintenance responsibilities of the footpath leading to the site could be addressed by imposing relevant approval conditions and advisory clauses as recommended in the Paper.

45. Members had no question on the application.

Deliberation Session

46. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, 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 p.m. and 7 a.m. for the ancillary repair workshop and between 7:00 a.m. to 11:00 p.m. for all other operation, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (d) in relation to (c) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2010;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (f) in relation to (e) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2010;
- (g) 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 7.2.2010;

- (h) in relation to (g) above, the provision of fire service installations as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) any land issues relating to the development with the concerned owner(s) of the application site should be resolved;
- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should advise his client to apply to his office for Short Term Waiver (STW) to regularise any structures erected or to be erected on the lots concerned and for Short Term Tenancy (STT) to regularise the unauthorised occupation of Government land. However, there was no guarantee that the application for STW/STT would be approved;
- (d) to note the Chief Engineer/Mainland North, Drainage Services Department's comment that the gradient of the proposed channels should be stated clearly. The proposed 10mm openings at the foot of the boundary wall were not adequate for surface runoff passage. The

applicant should review the design and also indicate the spacing of the proposed wall openings in the proposal;

- (e) to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” issued by the Environmental Protection Department to minimise the possible environmental impacts on the surrounding areas;
- (f) to 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 from a public road 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;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his department should not be responsible for the maintenance of any access connecting the site and Fuk Hi Street;
- (h) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations proposals in Appendix IV of the Paper;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments on the removal of unauthorised structures within the site which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning)

Regulations 19(3) at building plan submission stage;

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/306 Temporary Public Vehicle Park for Medium Size Buses (24-seats)
and Private Cars for a Period of 3 Years
in "Village Type Development" zone,
Lots 449 RP (Part), 450 (Part) and 452 RP (Part) in D.D. 122
and Adjoining Government Land,
Hang Mei Tsuen,
Ping Shan,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-PS/306)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for medium size buses (24-seats) and 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. Although land within “Village Type Development” (“V”) zone was primarily intended for development of Small Houses by indigenous villagers, according to District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), there was currently no Small House application at the site. As such, approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Besides, the provision of public vehicle park for private cars and medium size buses would help meeting the parking demand of local villagers in the area and visitors to the Ping Shan Heritage Trail. As the application included the parking of private cars and medium size buses and not medium and heavy goods vehicles, potential noise nuisance to the nearby residential dwellings was not expected to be significant. The Director of Environmental Protection had no objection to the application. Approval conditions restricting the operation hours and type of vehicles were recommended in the Paper. Applicant would be

advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites” to minimise the possible environmental impacts on the surrounding uses. Any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action. There were previous and similar applications since 2004 and there was no change in the planning circumstances in the area. Approval of the application was consistent with the Board or the Committee’s previous decisions.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no goods vehicles exceeding 5.5 tonnes, buses exceeding 24 seats, container vehicles, container tractors and trailers were allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance were allowed to be parked/stored on site at any time during the planning approval period;
- (d) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of

the Director of Planning or of the TPB by 7.5.2010;

- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (g) in relation to (f) above, the provision of drainage facilities as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2010;
- (h) the provision of warning signs at the access road, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 7.2.2010;
- (i) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

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

owner(s) of the application site;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's comment that the occupier of the Government land (GL) should be reminded to apply to his office for Short Term Tenancy (STT) to regularise the irregularity on site. Should no STT application be received/approved and the irregularity persisted on-site, his office would take appropriate land control against the occupier according to the prevailing programme of his office in this regard;
- (d) to 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 from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comment that the drainage works marked "existing" in the drainage plan were different from the drainage works implemented under Applications No. A/YL-PS/183 and 249;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comment that HyD should not be responsible for the maintenance of the access connecting the site and Tsui Sing Road;
- (g) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that there were some discrepancies of the submitted landscape proposal which some of the existing tree species and quantities

did not tally with the site situation; and

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/626 Temporary Open Storage of Recycling Materials
(Plastic, Paper and Metal) with Ancillary Workshop
for a Period of 3 Years
in "Undetermined" zone,
Short Term Tenancy No. 1869,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/626)

Presentation and Question Sessions

52. 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 recycling materials (plastic, paper and metal) with ancillary workshop 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses in the subject “Undetermined” (“U”) zone which were predominantly occupied for open storage yards and workshops. The development was 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 adverse comment from concerned Government departments. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibiting the handling of electronic and computer wastes had been proposed in the Paper. The applicant would be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”. Besides, technical concerns raised by other Government departments could be addressed by imposing approval conditions and advisory clauses as recommended for the planning approval. Any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action. There were three previous applications for similar uses since 1996 and there was no major change in the planning circumstances in the area. Approval of the application was in line with the Committee’s previous decisions.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading and storage) of electronic and computer wastes, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be maintained during the planning approval period;
- (e) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/449 should be maintained during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities approved under Application No. A/YL-HT/449 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (g) the replacement of dead trees on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (h) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the

TPB by 7.2.2010;

- (i) in relation to (h) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2010;
- (j) the submission of fire service installations (FSIs) proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (k) in relation to (j) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) the permission was given to the use/development under application. It did not condone to the open storage of electronic parts and any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office did not guarantee the right-of way of the vehicular access through other private lots to the site from Ping Ha Road;
- (d) 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 the possible environmental impacts on the nearby sensitive receivers;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments to construct a run in/out at the access points at Ping Ha Road in accordance with the latest version of HyD's standard drawing H1113 and H1114, or H5115 and H5116, whichever set was appropriate to match with the existing pavement condition; to ensure that no surface water flowed from the site to nearby public roads/drains;
- (g) to note the Director of Fire Services' comments on the requirements of formulating FSIs proposals as stated in Appendix V of the Paper;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning approval should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as office were considered as temporary buildings and were subject to control under Building (Planning)

Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and provision of emergency vehicular access was applicable under B(P)R 41D; and

- (i) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection, resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/631 Temporary Open Storage of Scrap Metals and Plastic
with Ancillary Open-air Packaging Workshop for a Period of 3 Years
in "Open Space" and "Open Storage" zones,
Lots No. 582 RP(Part) and 583 in D.D. 124
and Adjoining Government Land,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/631)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of scrap metals and plastic with ancillary open-air packaging workshop 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 the further information on the application. No local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Open Space” zone (about 84% of the application site), the Director of Leisure and Cultural Services Department (DLCS) advised that there was no immediate development proposal for the site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “O” zone on the OZP. The applied use was also not incompatible with the surrounding uses. Moreover, the development was 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 adverse comment from concerned Government departments. To mitigate any potential environmental impacts, approval conditions restricting the operation hours were recommended in the Paper. Any non-compliance with these approval conditions would result in revocation of the planning permission and enforcement action. There were three previous applications for similar uses since 2003 and there was no major change in the planning circumstances in the area. Approval of the application was in line with the Committee's previous decisions.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, 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) the existing drainage facilities implemented under the previously approved Application No. A/YL-HT/492 should be maintained during the planning approval period;
- (d) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/492 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.2.2010;
- (f) in relation to (e) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2010;
- (g) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;

- (h) in relation to (g) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2010;
- (i) if any of the above planning conditions (a), (b) or (c) 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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the “Open Space” portion of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should be obtained before commencing the development on the southern part of the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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; his office reserved the right to take enforcement action against the unauthorized structures on the lots and control action against the unauthorized occupation of Government land;

- (d) 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct the run-in/out at the access point at Shek Po Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate to match with the existing pavement condition, and to provide adequate drainage to ensure that no surface water would run out from the site to the nearby public roads/drains through the access; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; and actions appropriate under the BO or other enactment might be taken if contravention was found.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/635 Temporary Container Trailer and Tractor Park and
Open Storage of Scrap Metals for a Period of 3 Years
in “Open Space” and “Open Storage” zones,
Lots No. 487 S.B (Part), 488 (Part), 489 S.A, 489 S.B RP, 490 RP,
491 RP, 494 RP (Part), 495 RP (Part), 496-500, 501 RP (Part), 504 RP
and 505 (Part) in D.D. 124,
Ha Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-HT/635)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container trailer and tractor park and open storage of scrap metals 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 along the access road leading to the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessment made in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of “Open Space” zone (about 69% of the application site), the Director of Leisure and Cultural Services advised that there was no immediate development proposal for the site. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “O” zone on the OZP. The applied use was also not incompatible with the surrounding uses. The development was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). To address DEP’s concerns, any potential environmental impacts could be addressed by imposing approval conditions as recommended in the Paper. Any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. There were previous and similar applications for similar uses since 1996. As there had been no change in the planning circumstances, approval of the application was in line with the Committee’s previous decisions.

Deliberation Session

61. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, 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) all the existing trees on the site should be maintained during the planning approval period;
- (d) the existing drainage facilities implemented under the previously approved

Application No. A/YL-HT/462 should be maintained during the planning approval period;

- (e) the submission of a record of the existing drainage facilities approved under Application No. A/YL-HT/462 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.2.2010;
- (g) in relation to (f) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2010;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (i) if any of the above planning conditions (e), (f) or (g) 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
- (j) upon expiry of the planning permission, the reinstatement of the "Open Space" portion of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should be obtained before commencing the development on the site;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department 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; his office reserved the right to take enforcement action against the unauthorized structures on the lots; and did not guarantee right-of-way for vehicular access to the site through private land leading from Hung Tin Road;
- (d) 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; and
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct the run-in/out at the access point at Shek Po Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5115 and H5116, whichever set was appropriate to match with the existing pavement condition, and to provide adequate drainage measures at the site access to prevent surface water flowing from the site to the nearby public roads/drains.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/193 Temporary Open Storage of Construction Materials
for a Period of 3 Years
in “Residential (Group E)” zone,
Lot 2189 RP in D.D. 129,
and Adjoining Government Land,
Lau Fau Shan,
Yuen Long
(RNTPC Paper No. A/YL-LFS/193)

Presentation and Question Sessions

63. 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 construction materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was a sensitive receiver in the vicinity of the site and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. Although the applied use

was not in line with the planning intention of “Residential (Group E)” (“R(E)”) zone, there was no immediate development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim. The development was not incompatible with the general character of the area. The development was in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). Regarding DEP’s concern and mitigate any potential environmental impacts, it could be addressed by imposing approval conditions restricting the operation hours, stacking height of materials stored on-site, and prohibition of workshop activities as recommended in the Paper. Besides, the applicant would be advised to follow “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers. There were previous and similar applications recently approved by the Committee and there was no change in the planning circumstances. Approval of the subject application was in line with the Committee’s previous decisions.

64. Members had no question on the application.

Deliberation Session

65. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning

approval period;

- (d) no dismantling, cleansing, repairing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no storage of materials and no parking of vehicles was allowed within 1m of any tree on the site during the planning approval period;
- (f) the existing vegetation on the site should be maintained during the planning approval period;
- (g) the drainage facilities implemented on the site under application No. A/YL-LFS/149 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities approved under application No. A/YL-LFS/149 within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (i) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.2.2010;
- (j) in relation to (i) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 7.5.2010;
- (k) the submission of fire service installations (FSIs) proposal for the structures within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (l) in relation to (k) above, the provision of FSIs for the structures within 9 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 7.5.2010;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was situated on an Old Schedule Agricultural Lot held under the Block Government Lease upon which no structures were allowed to be erected without prior approval from his Office; to apply for Short Term Tenancy/Short Term Waiver (STT/STW) to regularize the irregularities on-site. Should no STW/STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owner according to his office's prevailing programme;
- (c) 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;

- (d) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments to clear the construction materials and debris stored near the existing trees;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments to construct the run in/out at the access point at Lau Fau Shan Road in accordance with the latest version of HyD's standard drawing H1113 and H1114, or H5115 and H5116, whichever set was appropriate to suit the pavement of the adjacent areas; and to provide adequate drainage at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run-in/out;
- (f) to note the Director of Fire Services' comments on the requirements of formulating FSIs proposals as stated in Appendix V of the Paper; and
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage; use of containers as site office and guardroom were considered as temporary buildings and were subject to control under B(P)R Part VII.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

[Professor David Dudgeon left the meeting temporarily at this point.]

67. The Secretary reported that Professor David Dudgeon had declared interest in this item as he was a Trustee of World Wide Fund (Hong Kong), which had submitted comments on the application. Members noted that Professor Dudgeon had left the meeting temporarily for this item.

68. 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 land and pond filling for permitted agricultural use;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that from the fisheries point of view, ponds should be preserved for continued development in fish farming. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no comment on the application but requested to impose a condition on submission and implementation of landscaping and preservation proposal. The Chief Engineer/Mainland North, Drainage

Services Department (CE/MN, DSD) advised that the applicant was required to submit a drainage proposal for their comment. The Project Manager/New Territories North & West, Civil Engineering and Development Department (PM/NTN&W, CEDD) advised that the applicant should submit proposed interface arrangement for CEDD's comment and agreement. The Director of Environmental Protection had no further comment from environmental perspective. Nevertheless, the applicant was required to follow any prevailing pollution control ordinances/regulations when conducting construction activities;

- (d) during the statutory publication period, 5 public comments were received objecting to the application. The Kadoorie Farm & Botanic Garden Corporation and World Wide Fund (Hong Kong) objected to the application as the proposed pond and land filling would cause direct loss of wetland, ecological degradation of the Wetland Buffer Area (WBA) through wetland habitat loss and adverse ecological, drainage and landscape impacts on the surrounding areas. The Kadoorie Farm & Botanic Garden Corporation was also concerned about the oversized infrastructures to be provided. The Village Representatives (VRs) of Mai Po Tsuen and the Concern Group of Mai Po Tsuen (Lo Wai) objected to the application on the grounds that it would increase the flooding risk to the surrounding areas and had adverse impact on the drainage, environment, hygiene and fengshui of their villages. A private individual objected to the application because the applicant had not obtained the consent from or given notification to him as he was one of the lot owners. District Officer (Yuen Long), Home Affairs Department (DO (YL), HAD) advised that same comment from the VRs of Mai Po Tsuen was received which against the proposal as the public comments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. CE/MN, DSD had no adverse comments on the drainage impact and DAFC considered that the site was an abandoned fishpond within the WBA which was currently covered with vegetation and abutting the fishponds within the

Wetland Conservation Area (WCA) to the west. He had no further comment on the application from the ecological and agricultural development points of view. Although DAFC further advised that ponds should be preserved for continued development of fish farming from fisheries point of view, according to the aerial photograph which was taken on 13.11.2008 (Plan A-3a), the western part of the application site was dry. Due to seasonal considerations, it was rather difficult to confirm whether the whole of the application site is dry at present. In any case, the application site had little value as a fishpond. Regarding the public objections against the adverse impact of the proposed pond/land filling on the drainage, environment, hygiene and fungshui of the nearby villages, CE/MN, DSD, DAFC and DEP had no adverse comments on the drainage, ecological and environmental aspects.

Deliberation Session

69. Referring to the aerial photos in Plans A-3a and A-3b of the Paper, the Chairperson remarked that the water body of the subject pond had been diminishing since 2003. A member enquired whether the water in the pond had been drained off by human activities. Mr. Anthony C.Y. Lee responded that there was no evidence showing the water body was drained off by human activities. The Chairperson added that the application site fell within “Village Type Development” (“V”) zone, the planning intention of which was for Small House developments rather than conservation.

70. Another Member noted that the application site was outside the Wetland Conservation Area but occupied an important location en route to the Mai Po Wetland. This Member was of the view that approval of the application might affect the image of the Government’s conservation effort and pond/land filling would lead to illegal dumping activities. This Member further enquired whether there would be any mitigation measures to prevent illegal dumping activities in the application site. The Chairperson remarked that the application site was zoned “V” and fell within the Wetland Buffer Area (WBA). According to the Town Planning Board Guidelines for “Application for Developments within Deep Bay Area” (TPB PG-No. 12B), the intention of the WBA was to protect the ecological integrity of the fish ponds and wetland. The Chairperson also remarked that there would be approval

conditions as recommended in the Paper, if the Committee decided to approve the case, to prevent contaminated soil and waste filling, and no pond filling works on the subject site should commence until the implementation of the drainage proposal. Besides, any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action were also recommended. In response to this Member's concern on the pond filling level which would lead to flooding risk, the Chairperson remarked that as stated in applicant's submission, a total site area of about 2,650m² would be formed by filling with soil up to 0.91m (or 3ft) for organic farming, the applicant was also advised to implement drainage proposal, subject to the satisfaction of Drainage Services Department before the actual pond/land filling on site. This could prevent overflow of water to its vicinity in times of heavy rain and surface runoff. Mr. Anthony C.Y. Lee supplemented that there was an embankment to guard against the overflow of water to the vicinity. On top of the embankment, there were fencings (2.5m) and trees.

71. Another Member enquired whether it was necessary to impose time-limit to the approval conditions so as to monitor the compliance of approval conditions. The Secretary remarked that the validity of the planning permission would be until 2013, and after the said date, the permission should cease to have effect if the development was not commenced or renewed. Besides, pond/land filling activities for permitted agriculture use could only be commenced after the approval conditions were satisfactorily complied with by the applicant, any non-compliance with the approval conditions would result in revocation of the planning permission and enforcement action. Therefore, there was sufficient safeguard to ensure compliance.

72. In response to a Member's suggestion of a site visit to the application site and the general area, the Chairperson responded that based on the information and assessments as detailed in the Paper and the presentation at the meeting, there should be sufficient information for making a decision on the application, taking account of the relevant land use planning considerations. A visit to the application site might not be necessary. However, she stated that arrangement for site visits to the general area could be made as one of the Board's future site visit. Members agreed.

73. 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 7.8.2013, 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 contaminated soil and waste, including construction and demolition material, should be used to fill the site;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) in relation to (b) 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;
- (d) no land and pond filling between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no land and pond filling on Saturdays, Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (f) no land and pond filling between December and July, as proposed by the applicant, was allowed on the site during the planning approval period;
- (g) the submission and implementation of landscaping and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (h) the submission and implementation of a vehicular access, taking into account the Civil Engineering and Development Department's project No. 7259RS (Part) - Cycle Tracks Connecting North West New Territories with North East New Territories (Section from Tuen Mun to Sheung Shui), to the satisfaction of the Commissioner for Transport or of the TPB; and

- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that the site was accessible by a short access road which ran through open Government land without maintenance works to be carried out thereon by his Office. His Office would not guarantee a right-of-way;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant was required to assess the drainage impact and provide mitigation measures as an existing inlet in the southwestern corner of the site would be blocked. Peripheral u-channel would be required at the toe of embankment slope, which was along the west side of the site. The applicant was also required to assess the strengths of existing cross road drains, which were at the proposed ingress and egress location and to carry out CCTV survey at the existing cross road drains for record. General formation levels and typical cross sections of the proposed development should be provided. The site was in an area where no public stormwater drainage maintained by his Office was currently available for connection. The area was probably served by some of the existing local village drains which were probably maintained by the District Officer (Yuen Long). If the proposed discharge point was either one of these drains, comments/agreements should be sought from the relevant department on the proposal. All proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should review his drainage proposal/works as well as the site boundary in order not to cause encroachment upon areas outside his

jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. The site was in an area where no public sewerage maintained by his Office was currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection (DEP) should be obtained;

- (d) to note DEP's comments to follow any prevailing pollution control ordinances/regulations when conducting construction activities;
- (e) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments to seek owners' consent on the use of the proposed access road;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his Office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road - Mai Po;
- (g) to note the Chief Town Planner/Urban Design and Landscape's comments that the applicant was encouraged to study the feasibility of widening the proposed lily pond in order to enhance the effectiveness of the landscape mitigation measures. The applicant should also properly manage the lily pond in order to avoid the stagnant water which might cause hygienic problems;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that if there were any non-exempted site formation and drainage works, detailed proposals should be submitted to his Office for approval under the Buildings Ordinance;
- (i) to note the Director of Fire Services' comments that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, fire service installations

(FSIs) would be required for the structures. In such circumstances, relevant layout plans to incorporate the proposed FSIs should be submitted to his Office for approval and the proposed FSIs should be provided in accordance with the approval proposal. In preparing the submission, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of the proposed FSIs should be clearly marked on the layout plans; and

- (j) to note the Project Manager/New Territories North & West, Civil Engineering and Development Department (CEDD)'s comments that the site was contiguous to CEDD's project No. 7259RS (Part) - Cycle Tracks Connecting North West New Territories with North East New Territories (Section from Tuen Mun to Sheung Shui). The applicant should submit his proposed interface arrangement for CEDD's comment and agreement.

[Ms. Maggie M.K.Chan and Ms. Anna S.Y. Kwong left the meeting at this point.]

[Professor David Dudgeon returned to join the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/240 Temporary Religious Institution (Seminary)
for a Period of 3 Years
in "Village Type Development" and "Residential (Group D)" zones,
Houses No. 112, 113 and 115,
Lots 1134 S.B RP (Part), 1134 S.B ss.1 (Part),
1135 S.B (Part) and 1135 S.C (Part) in D.D. 104,
Wai Tsai,
Ngau Tam Mei,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-NTM/240)

75. The Secretary reported that replacement pages (p.9 and Appendix IVa to IVj) of the Paper were tabled at the meeting for Members' reference.

Presentation and Question Sessions

76. 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 religious institution (seminary) for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) during the statutory publication period, 10 public comments from the residents of the Vineyard raising objections to the application were received. Nine of them were concerned that the temporary seminary would attract strangers to frequent the neighbourhood and hence affect the public order of the area, cause noise nuisance to the area when activities took place, aggravate the traffic congestion on Ngau Tam Mei Road, overload the existing public transport facilities and create traffic noise impact. Apart from the above, two of them also suggested that on-street parking and loading/unloading along Ngau Tam Mei Road should be prohibited. Another resident requested that the existing display board placed outside the premises should be removed as he felt very uncomfortable with the cross sign on it; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The site fell partly within "Village Type Development" ("V") (84%) and "Residential (Group D)" ("R(D)") (16%) zones. Approval of the application on a temporary basis

for a period of 3 years would not frustrate the planning intention of the “V” zone. The temporary seminary at the premises providing biblical training to a total of 30 numbers of staff/students/pastors with activities taking place inside the premises only from 9am to 6pm on Mondays to Fridays was considered not incompatible with the immediate surrounding land uses. In view of the nature and small scale of the temporary seminary, the proposed development would not result in significant adverse traffic, environmental, sewage and drainage impacts to the surrounding areas. Regarding the public comments against the application, relevant Government departments including the Commissioner of Police and the Assistant Commissioner for Transport/New Territories, Transport Department and the Director of Environmental Protection had no adverse comment/concerns on the aspects of public order, traffic and environmental impacts. Technical concerns raised by the Director of Fire Services could be addressed by imposing approval condition as recommended in the Paper.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of emergency vehicular access, water supply for fire fighting and fire service installations (FSIs) proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (b) in relation to (a) above, the provision of emergency vehicular access, water supply for fire fighting and FSIs as proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or

of the TPB by 7.5.2010; and

- (c) if any of the above planning conditions (a) or (b) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note the Director of Fire Services' comments that, in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal, the applicant should observe his requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration; and
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that Structural assessment should be conducted to justify the structural safety and stability of the intended uses at 1/F and 2/F levels of the subject premises in accordance with Building (Construction) Regulation 17. Assessment on the adequacy of means of escape and access for fire fighting should be conducted to accord with Building (Planning) Regulation 41 & 41D.

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

Agenda Item 23

Section 16 Application

[Open Meeting]

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

80. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong Holdings Ltd.. Dr. James C.W. Lau and Professor David Dudgeon had declared interests in this item. Dr. Lau had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the application. Professor Dudgeon was a Trustee of World Wide Fund (Hong Kong). Nevertheless, the applicant had requested for a deferment of consideration of the application. Members agreed that Professor Dudgeon could stay at the meeting. Members noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

81. The Committee noted that the applicant’s representative had requested on 29.7.2009 for deferment of the consideration of the application for another two months in order to allow more time for continuing coordination with the respective Government departments in responding to departmental comments.

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

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/332 Renewal of Planning Approval for
Temporary “Open Storage of Vehicles
(Lorries, Vans and Private Cars) for Sale”
under Application No. A/YL-KTN/254 for a Period of 3 Years
in “Residential (Group D)” zone,
Lot 667 (Part) in D.D. 110,
Kam Tin Road, Pat Heung,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTN/332)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “open storage of vehicles (lorries, vans and private cars) for sale” under Application No. A/YL-KTN/254 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses. As there was no known programme for the implementation of the zoned use at the site, it was considered that the temporary planning permission for another 3 years would not frustrate the planning intention of the “Residential (Group D)” (“R(D)”) zone. The application being a renewal application was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). Since there was no major change in planning circumstances and the applicant had complied with the relevant approval conditions under the last Application No. A/YL-KTN/254, sympathetic consideration could be given to the current application. Regarding DEP’s concern on the possible nuisance generated by the temporary use, it could be addressed by imposing approval conditions restricting the operation hours and prohibiting by vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities as recommended in the Paper. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant,

was allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the site (under Application No. A/YL-KTN/254) should be maintained at all times during the planning approval period;
- (e) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2010;
- (g) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (h) in relation to (g) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

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

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that unauthorized structure in the form of shed was erected within the site. Should the application be approved, the applicant should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owner according to the prevailing programme of his office. Besides, the site was accessible to Kam Tin Road via a short stretch of Government land (GL). His office did not carry out maintenance works of the GL. This portion of GL would also be affected by the project "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road" of Highways Department (HyD). HyD should be consulted;
- (b) 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 nuisances;
- (c) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with Building Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should

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

- (d) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements in Appendix VI of the Paper. If the applicant wished to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/468 Proposed Temporary Public Vehicle Park for Private Cars and Vans
for a Period of 3 Years
in "Village Type Development" and "Agriculture" zones,
Lot 390 RP (Part) in D.D. 106,
Tin Sam San Tsuen,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/468)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars and vans 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. No local comment was received by the District Officer (Yuen Long), Home Affairs Department (DO (YL), HAD); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The majority of the site fell within “Village Type Development” (“V”) zone (about 97.4%). Since there was no application for Small House development on the site, approval of the application on a temporary basis would not frustrate the planning intention of the “V” zone on the OZP. The proposed public vehicle park was considered not incompatible with the surrounding land uses which were mainly mixed with open storage yards, residential dwellings and vacant land. Since the last application No. A/YL-KTS/394, the applicant had complied with the approval conditions related to boundary fencing, landscape, traffic and fire safety aspects. The applicant had also submitted a drainage proposal plan under the current application, which was accepted by Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD). As previous approval had been granted and there was no major change in planning circumstances, sympathetic consideration could be given to the current application. However, as the last approval was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decided to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning

permission, sympathetic consideration might not be given to any further application.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:30 a.m. daily, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Traffic Regulations was allowed to be parked on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site during the planning approval period;
- (e) the existing boundary wall/fencing erected should be maintained at all times during the planning approval period;
- (f) all existing landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the implementation of the accepted 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 7.11.2009;

- (h) the provision of a 9-litre water type/3kg dry powder fire extinguisher within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2009;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during planning approval, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use under application. It did not condone any other use including open storage of vehicles which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;
- (c) shorter compliance periods were imposed so as to monitor the fulfillment of approval conditions on the site. 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 District Lands Officer/Yuen Long, Lands Department's comments that the registered owner of the relevant lot should apply for Short Term Waiver to regularize the irregularities on the site. Should no such application be received/approved and any irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme. In addition, the site was accessible to Kam Sheung Road via a short stretch of Government land. His office would not guarantee such right-of-way;
- (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 nuisances;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (h) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier 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. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/470 Temporary Open Storage of New Coaches and New Vehicle Parts
for a Period of 3 Years
in “Other Specified Uses” annotated “Rural Use” zone,
Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part),
618 S.C (Part) and 618 RP (Part) in D.D. 106,
Kam Sheung Road,
Kam Tin,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/470)

Presentation and Question Sessions

91. 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 new coaches and new vehicle parts for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as sensitive receivers were found in the immediate west of the site and nearby and environmental nuisance was expected;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The development was considered not incompatible with the surrounding land uses. As there was no known development programme for the “Other Specified Uses” annotated “Rural Uses” (“OU(RU)”) site, renewal of the temporary planning permission for another 3 years would not frustrate the planning intention of the “OU(RU)” zone on the OZP. The current application was considered generally in line with TPB PG-No. 13E. Although the last Application No. A/YL-KTS/416 was revoked due to non-compliance with approval condition related to submission of fire service installations (FSIs) proposal, the applicant had prepared and submitted the FSIs proposal under the current application. In view that previous approvals had been granted and there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. Since the last approval (Application No. A/YL-KTS/416) was revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further

application.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site during the planning approval period;
- (d) no heavy vehicles exceeding 24 tonnes were allowed for the operation of the site at any time during the planning approval period;
- (e) all landscape plantings within the site should be maintained at all times during the planning approval period;
- (f) the implementation of the accepted 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 7.2.2010;
- (g) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2009;

- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (i) 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;
- (j) if the above planning conditions (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were granted so as 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;
- (c) the permission was given to the use under application. It did not condone any other use including the modification workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use not covered by the permission;

- (d) to resolve any land issues relating to the development with the concerned owners of the site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take lease enforcement action against the irregularities on the site. Besides, the site was accessible to Kam Sheung Road via an informal track on other private land and open Government land without maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;
- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the Director of Fire Services' comments that the applicant should re-submit the relevant layout plans incorporated with the revised FSIs proposal to his department for approval. Regarding the FSIs proposal submitted, as the proposed structure exceeded 230m², sprinkler system should be provided to the entire building/structure in accordance with BS EN 12845: 2003 and the Fire Services Department (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. Besides, the water tank and pump for the modified hose reel system should be indicated on plans. In addition, sufficient emergency lighting should also be provided throughout the entire buildings/structures in accordance with BS 5266: Part 1 and BS EN 1838. Sufficient directional and exit sign should also be provided in accordance with BS 5266: Part 1 and FSD Circular Letter 5/2008. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

- (h) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person must be appointed to coordinate all building works; and
- (j) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier 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. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/471 Proposed Two New Territories Exempted Houses
in “Agriculture” zone,
Lot 1159 RP in D.D. 106,
Kam Shui South Road,
Pat Heung,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-KTS/471)

Presentation and Question Sessions

95. 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) development of two New Territories Exempted Houses (NTEHs);
- (c) departmental comments – the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advised that the applicant was not eligible for Small Houses and the site was also not covered by any building licence. Pursuant to the prevailing policy, New Territories Exempted House (NTEH) development should generally be allowed under the Small House policy only. Lease modification/land exchange for an NTEH development on the site, which was demised for agricultural use, would normally not be entertained. The Director of Agriculture, Fisheries and Conservation advised that the proposed development and vehicular access were adjacent to/ encroached on the planting sites which were established as ecological mitigation measures for the main drainage channels. As such, there was reservation on the application due to the interface issues between the planting sites and the proposed development. The Director of

Environmental Protection (DEP) advised that the site was close to some open storage yards which might induce Industrial/Residential (I/R) interface problem on the future residents of the proposed house. The Chief Highway Engineer/New Territories West, Highways Department considered that the proposed access point should only involve straight section of the footpath instead of hammer head;

- (d) during the statutory publication period, 2 public comments were received. Two commenters objected to the application as the proposed developments were not in line with the planning intention and the applicant had not provided sufficient information on why other suitable sites in the “Village Type Development” (“V”) zone could not be identified for NTEH development. The proposed developments would affect the water source for nearby agricultural land causing loss to the farmers and contravening the spirit of agricultural rehabilitation scheme. Besides, the proposed developments would generate adverse visual, landscape, air ventilation and fung shui impacts on the nearby houses or villages. The proposed vehicular access and car parking spaces would also cause noise impact and safety problem to the house located to the immediate east of the site. The proposed vehicular access leading to Kam Shui South Road was originally a lay-by and not suitable for use as an ingress/egress point. In addition, the approval of the application would set an undesirable precedent causing a degradation of the rural environment and the government might be accused of giving favouritism to consortium; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to reserve land for agricultural purposes. The proposed NTEHs were considered not compatible with the surrounding environment which was mixed with open storage yards, warehouses, residential dwellings and agricultural lots. The proposed NTEHs would be susceptible to adverse environmental impact from the open storage yards and warehouses in the vicinity. DEP indicated that the

nearby open storage yards might induce I/R interface problem on the future residents of the proposed NTEHs. There was insufficient information/technical assessment in the submission to demonstrate that the proposed NTEHs would not be subject to adverse environmental impact. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area. Local objections had been received as stated in paragraph (d) above.

96. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to reserve land for agricultural purposes;
- (b) the proposed development was incompatible with the surrounding area comprising open storage yards and warehouses uses, and would be subject to adverse environmental impact. It should also affect the planting sites established as mitigation measures under the drainage project; and
- (c) the approval of the application would set an undesirable precedent for similar application within the “AGR” zone. The cumulative effect of approving such applications would result in the encroachment of good agricultural land, causing a general degradation of the rural environment of the area.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/588 Temporary Open Storage of Building Materials
for a Period of 3 Years in “Residential (Group D)” zone,
Lots 100 RP, 101 S.A&B RP and 101 S.C RP in D.D. 111,
A Kung Tin,
Fan Kam Road,
Pat Heung,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/588)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of building materials for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were residential dwellings 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within an area zoned “Residential (Group D)” (“R(D)”) where the planning intention

was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. However, as private initiative for permanent residential development was not likely to be realized in the near future, appropriate use of the site in the interim period might be considered. The application generally complied with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E) in that previous approvals had been granted at the site, and the approval conditions of the last application No. A/YL-PH/525 had been complied with. Although there were residential dwellings to the northeast of the site and the nearest of the dwellings was about 40m away, the site had direct access from Fan Kam Road to the west without passing through the residential dwellings. Regarding DEP’s concern, it could be addressed by imposing approval conditions as recommended in the Paper. The applicant was also advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” .

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed at the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) the drainage facilities implemented under Application No. A/YL-PH/525 on the site should be maintained at all times during the planning approval period;
- (e) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (f) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (g) in relation to (f) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) planning permission should have been renewed before continuing the applied use at the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) Nos. 2484 and 2799 were approved to Lots 100 RP and 101 S.A & S.B RP in D.D. 111 respectively. His office reserved the right to take enforcement action under respective STW or lease if there was indeed any breach of the pertaining conditions. The site was accessible to Fan Kam Road via a short track over Government land (GL). His office did not carry out maintenance works of the GL;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (e) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed buildings/structures, the applicant was advised to make reference to the requirements as stated in Appendix V of the Paper;
- (f) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the proposed site encroached upon waterworks reserve for the existing 1.2m water mains. No structure should be erected and no tree

or shrubs should be planted within the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;

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

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/589 Temporary Open Storage of Vehicles, Vehicle Parts
and Construction Materials (Electric Generators)
for a Period of 3 Years
in “Residential (Group D)” zone,
Lot 3017 S.B (Part) in D.D. 111 and Adjoining Government Land,
Wang Toi Shan,
Pat Heung,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-PH/589)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of vehicles, vehicle parts and construction materials (electric generators) 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. There was no major

change in site circumstances from the previously approved Application No. A/YL-PH/547. The development was not incompatible with adjoining mixture of warehouse, open storage yards and workshops to the east, west and north. Besides, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” (“R(D)”) zone since there was not yet any programme/known intention to implement the zoned use on the OZP. The development generally complied with the Town Planning Board Guidelines on “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). In order to minimize any potential impacts from the development, approval conditions restricting the operation hours of the use and prohibiting heavy goods vehicles and repairing, maintenance, dismantling and workshop activities were recommended in the Paper. The applicant would be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Since Application No. A/YL-PH/547 was revoked due to non-compliance with the approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application. The applicant would be advised that should the applicant fail to comply with the approval condition again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

103. Members had no question on the application.

Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, 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 at the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site during the planning approval period;
- (d) no heavy goods vehicles (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site during the planning approval period;
- (e) the drainage facilities implemented under Application No. A/YL-PH/547 on the site should be maintained at all times during the planning approval period;
- (f) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations (FSIs) proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.11.2009;
- (h) in relation to (g) above, the provision of FSIs within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (k) upon 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) the permission was given to the use under application. It did not condone any other use (including workshop) which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) shorter compliance periods were imposed in order to monitor the progress of compliance of 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 owners of the site;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's comments that no structure was allowed to be erected without prior approval from his office. He noted that there were unauthorized structures on-site. It also included some Government land (GL) and his office had no permission for its occupation. He would re-activate processing the earlier submitted applications for Short Term Waiver (STW) and Short Term Tenancy (STT) from the owners and occupier respectively to regularize the above irregularities. The site was accessible to Kam Tin Road via an informal village track on GL and other private land without

maintenance works to be carried out thereon by his office. His office did not guarantee right-of-way;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that HyD was not/would not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to adopt environmental mitigation measures to minimize any possible environmental nuisances;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, a 3m wide waterworks reserve measuring 1.5m from the centreline of the water mains should be provided to WSD. No structure should be erected over the waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize;
- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, FSIs were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposals for the proposed buildings, the applicant was advised to make reference to the requirements as stated in Appendix V of the Paper;

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

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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/246 Proposed Sewage Pumping Station
in “Residential (Group D)” zone,
Government Land in D.D. 116,
Shui Tsiu San Tsuen Road,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-TT/246)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed sewage pumping station;
- (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 comment was received by District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed sewage pumping station was an essential sewerage facility to serve the district. Although the nearest residential dwelling was about 12m to the north of the proposed sewage pumping station, mitigation measures including enclosure of equipment, provision of silencers, installation of deodorizer and the provision of emergency measures to

avoid sewage overflow etc. would be implemented during the operation of the pumping station. In addition, mitigation measures to control noise, dust and site run-off to levels within established standards and guidelines would be implemented during the construction stage. Government departments had no adverse comments on the application and no local objection was received. Technical concerns on the landscape and tree preservation, access point and fire safety issue could be addressed by imposing relevant approval conditions as recommended in the Paper.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 7.8.2013, 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 run-in/out proposal to the satisfaction of the Director of Highways or of the TPB;
- (b) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of water supply for the fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the District Lands Officer/Yuen Long, Lands Department's comments that the applicant should apply to his office for land allocation to implement the proposed sewage pumping station;

- (b) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that if Transport Department agreed to the access arrangement, the applicant should construct a run-in/out at the access points at Shui Tsiu San Tsuen Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114 or H5115 and H5116 whichever set was appropriate to match with the adjacent pavement. The applicant should provide adequate drainage measures to prevent surface water flowing from the site onto the nearby public roads/drains. The applicant should be responsible for his own access arrangement;
- (c) to note the Director of Fire Services' comments that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Furthermore, the emergency vehicular access provision on the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation (B(P)R) 41D;
- (d) to note the Head of the Geotechnical Engineering Office (GEO), Civil Engineering and Development Department's comments that the footprint of the proposed sewage pumping station had encroached onto an unregistered slope at the west. The applicant was reminded to provide GEO with submissions under Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002 in the design stage; and
- (e) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/440 Proposed Temporary Open Storage of Construction Machinery, Construction Material and Metal Ware for a Period of 3 Years in “Undetermined” zone, Lots 2419 (Part), 2420 (Part), 2744, 2745 S.A, 2745 S.B, 2746, 2747 and 2748 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/440)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery, construction material and metal ware for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers, i.e. residential structures, to the immediate south and east and in the vicinity of the site and environmental nuisance was expected;

- (d) no public comment was received during the statutory publication period and no local comment was received by District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG- No. 13E). It was considered that approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding areas which comprised open storage yards and vehicle repair workshops. Regarding DEP's concern, approval conditions restricting the operation hours, prohibiting repairing, cleaning, dismantling and workshop activities, restricting the type of vehicles used and requiring the provision of boundary fence on the site were recommended in the Paper. The applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impacts.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by

the applicant, was allowed on the application site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no repairing, cleaning, dismantling and workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers, as proposed by the applicant, were allowed for the operation of the application site at any time during the planning approval period;
- (e) the provision of boundary fence on the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (f) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (g) in relation to (f) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2010;
- (h) the implementation of the accepted 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 7.2.2010;
- (i) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;

- (j) in relation to (i) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the vehicle repair workshop which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's

comments that he reserved the right to take enforcement/control action against the erection of unauthorized structures, including converted containers, and the unlawful occupation of Government land (GL) at the site. If the agricultural structures on the site were converted for non-agricultural purposes, his office would arrange to terminate the respective permits as appropriate. The occupier of the GL and the registered owners of the lots concerned should apply to his office for Short Term Tenancy (STT)/Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW application be received/approved and the irregularities persist on the site, his office would consider taking appropriate land control/lease enforcement action against the occupier/registered owners according to the prevailing programme of his office;

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

- (i) to note the Director of Fire Services' comments on the requirements on formulating FSIs proposal in Appendix IV of the Paper;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Use of containers as guardroom and office was considered as temporary buildings which were subject to control under B(P)R Part VII. The applicant's attention was also drawn to the requirements on provision of emergency vehicular access under B(P)R 41D; and

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

carrying out works in the vicinity of the electricity supply lines.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/445 Temporary Carpet Shop and Wholesale of Carpet
for a Period of 3 Years
in “Government, Institution or Community”
and “Residential (Group B) 1” zones,
Lots 1141 S.C (Part), 1141 S.D ss.2 (Part), 1141 S.D RP (Part),
1142 S.G, 1142 S.H (Part), 1142 S.I, 1142 S.K (Part)
and 1152 S.C RP in D.D. 121,
Tong Yan San Tsuen Road,
Yuen Long, New Territories
(RNTPC Paper No. A/YL-TYST/445)

Presentation and Question Sessions

114. 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 carpet shop and wholesale of carpet 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 comment was received by the District Officer (Yuen Long), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The proposed wholesale and retail uses were not incompatible with the surrounding environment which was mixed with residential structures, warehouses and open storage yards. While the “Government, Institution or Community” (“G/IC”) zone covering part of the site was reserved for the provision of a primary school to meet the demand for school places in Tong Yan San Tsuen area, the school development programme had still not yet been confirmed. Moreover, there was no current proposal for residential development on the part of the site zoned “Residential (Group B)1” (“R(B)1”). The subject temporary use could be tolerated for the interim period. The proposed wholesale and retail uses would also not generate adverse environmental impact on the surrounding areas. Government departments including the Director of Environmental Protection had no adverse comments on the application. Technical concerns from the Chief Town Planner/ Urban Design and Landscape, Planning Department, the Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services could be addressed by imposing relevant approval conditions as recommended in the Paper.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years up to 7.8.2012, 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 medium and heavy goods vehicles exceeding 5.5 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;

- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2010;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 7.5.2010;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2010;
- (f) in relation to (e) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.5.2010;
- (g) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2010;
- (h) in relation to (g) above, the provision of FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.5.2010;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

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

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the unauthorized structures on the lots within the site. If there were breaches of the conditions of Short Term Waiver (STW) No. 1476 covering Lots 1141 S.D RP (Part), 1142 S.I (Part) and 1152 S.C RP in D.D. 121, his office would initiate appropriate enforcement action. The registered owners of the lots concerned should apply to his office for STW to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on the site, his office on review of the situation would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme of his office;
- (c) 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;
- (d) to note the Chief Highway Engineer/New Territories West, Highways

Department's comments that the applicant should be responsible for his own access arrangement;

- (e) 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;
- (f) to note the Director of Fire Services' comments on the requirements on formulating FSIs proposal in Appendix II of the Paper;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure, for approval under the BO was required. If the site did not abut on and was not accessible from a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant's attention was also drawn to the requirements on provision of emergency vehicular access to all buildings to be erected on the site under B(P)R 41D;
- (h) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior

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

- (i) to note the Secretary for Education’s comments that the applicant should at all times provide access and permit his works agent to carry out site investigation and survey works when necessary.

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

Agenda Item 33

Any Other Business

118. There being no other business, the meeting was closed at 4:30p.m..