

TOWN PLANNING BOARD

Minutes of 404th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.10.2009

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. H.M. Wong

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

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

Secretary

Absent with Apologies

Mr. Edmund K.H. Leung

Professor David Dudgeon

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Dr. James C. W. Lau

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

In Attendance

Assistant Director of Planning/Board
Mr. Lau Sing

Chief Town Planner/Town Planning Board
Mr. Ivan M.K. Chung

Town Planner/Town Planning Board
Miss Alice Y.Y. Cheung

Agenda Item 1

Confirmation of the Draft Minutes of the 403rd RNTPC Meeting held on 18.9.2009

[Open Meeting]

1. The draft minutes of the 403rd RNTPC meeting held on 18.9.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) Approval of Draft Plans

2. The Secretary reported that on 6.10.2009, the Chief Executive in Council approved the following draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance and approval of the OZPs would be notified in the Gazette on 16.10.2009:

- (i) Shouson Hill & Repulse Bay OZP (to be renumbered as S/H17/11); and
- (ii) Wo Keng Shan OZP (to be renumbered as S/NE-WKS/10).

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/I-TCTC/34 Proposed Temporary Shop and Services for a Period of 5 Years
in “Comprehensive Development Area” zone,
10/F, One Citygate, 20 Tat Tung Road, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/34)

3. The Committee noted that on 22.9.2009, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for 2 months in order to address the comments from various Government departments.

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

Tuen Mun and Yuen Long District

[Messrs. Anthony C.Y. Lee and K.K. Lee, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting]

A/TM-LTY Y/190 Proposed Comprehensive Residential Development
(Amendment to Approved Master Layout Plan for Changing
the Public Open Space to a Communal Open Space for
Residents of the Proposed Residential Development)
in “Comprehensive Development Area” and “Green Belt” zones,
Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and
2527 RP (Part) in D.D. 130 and Adjoining Government Land,
Lam Tei, Tuen Mun (to be know as Tuen Mun Town Lot 2861)
(RNTPC Paper No. A/TM-LTY Y/190)

5. The Secretary reported that the application was submitted by two subsidiaries of Henderson Land Development Co. Ltd. (HEND). Mr. Alfred Donald Yap had declared an interest in the item as he had current business dealings with HEND. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Yap could be allowed to stay at the meeting.

6. The Committee noted that on 5.10.2009, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for 2 months in order to address matters which required further clarification and submission.

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

Agenda Item 5

Section 16 Application

[Open Meeting]

A/YL/167

Proposed House

(New Territories Exempted House (NTEH) - Small House)

in “Village Type Development” and “Green Belt” zones,

Lot 1162 S.A ss.1 S.A in D.D. 123, Fuk Hing Tsuen,

Wang Chau, Ping Shan Heung, Yuen Long

(RNTPC Paper No. A/YL/167)

8. The Committee noted that on 16.9.2009, the applicant’s representative wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for 2 months so as to allow time for him to revise the landscape proposal to address the comments on the proposed landscape mitigation measures from the Chief Town Planner/Urban Design and Landscape, Planning Department.

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/625 Temporary Open Storage of Recyclable Materials,
Cargo Handling and Forwarding Facility for a Period of 3 Years
in “Open Storage (Group 1)” zone,
Lots No. 4 (Part), 5 (Part), 6 (Part), 7 (Part), 45 (Part),
46 RP (Part), 46 S.A (Part), 46 S.B (Part), 47 (Part),
49 (Part) and 57 (Part) in D.D. 124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/625)

Presentation and Question Sessions

10. 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 recyclable materials, cargo handling and forwarding facility for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the sensitive users in the vicinity of the area and along the access road, and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was generally in line with the planning intention of “Open Storage (1)” (“OS(1)”) zone and was not incompatible with the surrounding

land uses. The development was in line with the Town Planning Board Guidelines No. 13E in that there was no adverse comment from concerned Government departments. Although DEP did not support the application, the applied use had been in operation for some time and there was no environmental complaint against the site over the past 3 years, and appropriate approval conditions had been recommended in the planning approval to address DEP's concerns. Appropriate approval conditions were also recommended to address the concerns from other relevant departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and subject to enforcement action. The applicant would be advised to follow the "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. As the currently applied use did not involve containers/container vehicles, severe environmental nuisance/safety hazard to its surrounding areas was not expected. The Committee had recently approved 7 similar applications for various temporary uses in the subject "OS(1)" and the adjoining "OS" zones. Since granting these similar approvals, there had been no material change in the planning circumstances in the surrounding area. Approval of the subject application was therefore in line with the Committee's previous decisions.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation from 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

was allowed on the site during the planning approval period;

- (c) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, was allowed for the operation of the site during the planning approval period;
- (d) no container was allowed to be deposited on the site during the planning approval period;
- (e) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing and workshop activity, including container repair, was allowed on the site during the planning approval period;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (g) the submission of a revised 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 9.4.2010;
- (h) in relation to (g) above, the provision of drainage facilities proposed within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2010;
- (i) the submission of fire service installations proposals, including sprinkler system, within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.4.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 9.7.2010;
- (k) the provision of fencing of the site within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;

- (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.

13. 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) the permission was given to the use/development under application. It did not condone to the open storage of containers and container repair workshop 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 resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his office, and to apply to his office for Short Term Waiver (STW) to regularize the structures on lots. Should no STW application be received/approved and the irregularities persist on-site,

his office, on review of the situation, would take appropriate action according to the established district lease enforcement programme. His office did not guarantee right-of-way through other private lots for vehicular access to the site from Ha Tsuen Road;

- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal as stated in Appendix V of the Paper;
- (f) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (g) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix VI of the Paper;
- (i) 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; use of containers as offices or store 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 of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D; and

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

[Professor Edwin H.W. Chan and Dr. C.N. Ng arrived to join the meeting at this point.]

- (a) background to the application;

- (b) the proposed temporary open storage of containers for a period of 1 year;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was one noise pollution complaint against the site over the past 3 years and he did not support the application as the operation involved container vehicles and environmental nuisance was expected;
- (d) 1 public comment was received during the statutory publication period from a Tin Shui Wai resident objecting to the application on the grounds that the proposed development would generate noise nuisance to the nearby residents, the likelihood of the operator to breach the approval conditions on no night-time operation, and that the proposed development would have adverse traffic and road safety impacts on the surrounding areas. The commenter suggested that the site should be used for organic farming. No local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed open storage of containers was not incompatible with the surrounding land uses in the subject “Undetermined” (“U”) zone. The development was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). Though DEP did not support the application and there was one noise pollution complaint against the site in 2007, there was no sensitive receiver in the immediate vicinity of the site. To address DEP's concern and mitigate any potential environmental impacts, appropriate approval conditions had been recommended in the planning approval. 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 on the nearby sensitive receivers. Appropriate approval conditions were also recommended to address the concerns from other relevant departments. The Committee had approved similar applications at and in vicinity of the site within the same “U” zone. Since granting the previous approval,

there had been no material change in the planning circumstances, approval of the application was in line with the Committee's previous decisions. Although the last 4 approvals at the site were revoked due to non-compliance with approval conditions, they were submitted by another applicant for a different use. It would be unreasonable and unfair to presume that the present applicant would breach the said approval conditions. A cautious approach was adopted and shorter compliance periods were proposed to monitor the progress of compliance with conditions. The applicant would also be advised that should he fail to comply with the approval condition(s) resulting in the revocation of the planning permission, sympathetic consideration would not be given to any further application. As for the public comment, the site was away from the commenter's residence, Tin Shing Court (250m) and any residential development in the Tin Shui Wai New Town (150m). The applicant had proposed to relocate the ingress/egress northward and approval conditions had been recommended to address the commenter's noise concern. Regarding the commenter's concerns on traffic and road safety aspects, both the Assistant Commissioner for Transport/New Territories and the Commissioner of Police had no adverse comment on the application.

15. Members had no question on the application.

Deliberation Session

16. In response to the Chairperson's enquiry, Mr. Anthony C.Y. Lee said that the one-year approval would monitor the progress of compliance with the approval conditions by the applicant to mitigate any potential noise impacts. The Chairperson remarked that though the four previous planning approvals at the site had been revoked, these applications were submitted by a different applicant for different uses. Members agreed that it would be unreasonable to presume that the present applicant would breach the approval conditions. It was more appropriate to adopt a cautious approach with one year approval and shorter compliance periods to closely monitor the progress of compliance by the present applicant. A Member enquired if there was any restriction on the stacking height of the containers. The Chairperson referred Members to paragraph 13.2(d) of the Paper that an approval

condition had been recommended to limit the stacking height of containers to not exceeding 8 units, which was generally the maximum height that could be stacked with conventional equipment in the open storages for containers in the area, and such a height limit had also been stipulated in the planning condition of other similar applications by the TPB.

17. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.10.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no stacking of materials within 5m of the periphery of the site, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the stacking height of containers stored within the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
- (e) no vehicle was allowed to access the site through the existing ingress/egress at the southwestern boundary during the planning approval period;
- (f) implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (g) the submission of a 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 9.1.2010;
- (h) in relation to (g) above, the provision of drainage facilities proposed within

6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2010;

- (i) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) shorter compliance periods were granted in order to monitor the situation of the site and the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (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 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/control action against any unauthorized structure(s) on-site if indeed found in due course; his office did not provide maintenance of the vehicular access on the Government land (GL) nor guarantee right-of-way

on the private land through which vehicular access to the site passed; and to apply for Short Term Tenancy (STT) for the unauthorized occupation of GL. Should no STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate land control against the occupier according to the prevailing programme of his Office;

- (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 Assistant Commissioner for Transport/New Territories, Transport Department 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; and
- (f) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 'Ping Ha Road Improvement Works (Ha Tsuen Section)', which construction works commenced in December 2007 for completion by end 2010; that ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof. Moreover, a local access that had been constructed under Contract No. CV/2006/01 for use by Lot 1812 S.B RP in D.D. 125, only provided one way traffic to Entrance "A", and the exit route for Lot 1812 S.B RP would go through Run-in "B" (Plan A-3). Therefore, the applicant should review accordingly the ingress/egress route to/from the site under these circumstances.

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/645 Proposed Temporary Open Storage of Containers and Logistics Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 89 (Part), 90 (Part), 93 RP (Part), 94 (Part), 95 (Part), 96 (Part), 98 (Part), 99 (Part), 100 (Part), 101, 103, 104, 105 (Part), 116 (Part), 117 (Part), 118, 119, 120 (Part), 121, 123 (Part), 129 (Part), 130, 131 and 132 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/645)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of containers and logistics centre for a period of 3 years;
- (c) departmental comments – Director of Environmental Protection (DEP) did not support the application in view of the sensitive users in the vicinity and along the access road and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The applied use was not incompatible with the surrounding uses within the

subject “Comprehensive Development Area” (“CDA”) zone. Approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. The development was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). Despite DEP’s concern, the open storage use had been in operation prior to its discontinuation upon planning enforcement action, and there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts and to address the concerns from other relevant departments, appropriate approval conditions had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and subject to 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 on the adjacent areas. The Committee/the TPB had recently approved a number of similar applications within the same “CDA” zone in close proximity to the site, approval of the subject application was in line with the Committee’s previous decisions.

20. In response to the Chairperson’s enquiry, Mr. Anthony C.Y. Lee advised that there was no previous planning approval for open storage use at the site while there were similar temporary open storage use/port-back up and workshop uses in the adjoining area.

Deliberation Session

21. With regard to the recommended approval condition (d) which would limit the stacking height of containers to 8 units, a Member raised concern on the resulting “container wall” effect which would adversely affect the environment of the surrounding area. This Member enquired if the stacking height for containers needed to be reviewed in the long run. Another Member opined that the impact of the stacking height of containers would depend on individual site location, characteristics and its surrounding environment. For areas which had been converted to the open storage use, the current requirement to limit to 8 units would unlikely create any adverse impact. However, for areas zoned “Village Type Development”,

“Green Belt” and “Agriculture”, the impact of the 8 units of stacked containers would likely create adverse impact. Apart from the site context and the interface between the open storage sites and the surrounding land uses, the impact of reduction of stacking height of container on the efficiency of the open storage sites should also be considered. The Secretary supplemented that the stacking height of 8 containers units was previously recommended by the Task Force (Black Spot) and it had been adopted as the standard for operation in the industries for some years. In view of Members’ concerns on the impact of the stacking height of containers in the open storage sites on the living environment, the Chairperson suggested PlanD should, in consultation with the relevant departments and the operators of the industries, review the current stacking height of containers taking into account Members’ concerns. PlanD should report its review to the Committee for consideration. Members agreed.

22. Prior to PlanD’s review, Members agreed that the Committee should continue to adopt the same stacking height of 8 units for the subject application to ensure consistency. The Chairperson added that the subject “CDA” zone had no known implementation programme. As such, Members agreed that a planning approval for 3 years for the applied use could be tolerated at the site.

23. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity was allowed on the site, as proposed by the applicant, during the planning approval period;
- (d) the stacking height of containers stored within the site should not exceed

8 units, as proposed by the applicant, during the planning approval period;

- (e) no stacking of containers within 5m of the periphery of the site, as proposed by the applicant, during the planning approval period;
- (f) the submission of a Drainage Impact Assessment within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2010;
- (g) in relation to (f) above, the implementation of the drainage/flood mitigation measures for the proposed development identified in the Drainage Impact Assessment within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2010;
- (h) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (i) the provision of fencing for the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

24. 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 comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without prior approval from his Office; and to apply for Short Term Tenancy (STT) to regularize the occupation of Government land. Should no STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate control action against the occupier. His office did not guarantee right-of-way of vehicular access to the site from Ping Ha Road;
- (c) to refer to Drainage Services Department's (DSD's) publications – “Technical Note to prepare Drainage Submission (November 2001)” and “Advice Note No. 1 – Application of the Drainage Impact Assessment Process to Private Sector Projects (October 1995)” which were free to be downloaded from DSD's website;
- (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 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 comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to submit an as-built landscape plan for record purpose upon implementation of the accepted landscape proposal;
- (g) to note the comments of the Chief Engineer/Land Works, Civil Engineering and Development Department that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 “Ping Ha Road Improvement Works (Ha Tsuen Section)”, the construction works for which had already commenced in December 2007 for completion in end 2010. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;
- (h) 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; actions appropriate under the BO or other enactment might be taken if contravention was found; and
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected, and to bear the costs of any necessary diversion works affected by the proposed development.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/646 Temporary Vehicle Repair Workshop with Ancillary Parking of Tractors/Trailers/Lorries and Storage Facilities for a Period of 3 Years in “Undetermined” zone, Lots No. 1932 (Part), 1933 (Part), 1934 RP (Part), 1936 S.B RP (Part) and 1937 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/646)

Presentation and Question Sessions

25. The Committee noted that replacement page 1 of the Paper correcting a typo error on the date of the RNTPC Meeting had been dispatched to Members prior to the meeting.

26. 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 vehicle repair workshop with ancillary parking of tractors/trailers/lorries and storage facilities for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. Although the proposed use was not incompatible with the surrounding uses

in the subject “Undetermined” (“U”) zone, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN of DSD) raised queries on the practicality of the applicant’s drainage proposal, which was identical to that of the previously approved application (No. A/YL-HT/451), which DSD had explicitly considered unacceptable. As the applicant insisted that the drainage facilities on-site were the only practicable solution, there were serious doubts that the applicant would submit and implement a revised drainage proposal that could meet DSD’s requirement. As such, the development would cause adverse drainage impact to the surrounding areas. The Director of Fire Services (D of FS) considered that fire service installations (FSIs) were needed in view of the design/nature of the structures on-site. However, the applicant queried the need and practicality of such installations. There were serious doubts that the applicant would submit and implement any FSIs proposal, without which the development would be prone to fire risks. The Committee had approved 4 previous applications for the same temporary vehicle repair workshop use at the site, the last 3 of which were revoked due to non-compliance with approval conditions, whereas the first application approved in 1999 was not revoked due to the absence of a revocation clause. In granting the last approval (No. A/YL-HT/547), the Committee had already warned the applicant that no further approval would be granted if the permission was revoked again. However, the applicant had not demonstrated in the present submission any intention to comply with the approval conditions imposed by the TPB. Against this background, there were serious doubts that the potential drainage impacts and fire risks could be addressed by way of approval conditions in the subject application.

27. In response to the Chairperson’s the enquiry, Mr. Anthony C.Y. Lee said that all the 3 previous planning approvals at the site had been revoked due to non-compliance with the approval conditions on the drainage and fire safety aspects. The applicant had also been warned in the last approval that no sympathetic consideration would be given to any further application if the permission was revoked again. However, the applicant still had not provided any drainage and fire safety proposals to address the technical concerns raised by concerned departments. The Chairperson then referred to the supplementary planning

statement in Appendix 1a of the Paper and noted that the applicant had queried the need to provide the drainage and fire safety facilities. The Chairperson enquired if PlanD had discussed with the applicant on the issue and if the applicant had indicated any intention to comply with the conditions. In response, Mr. Lee informed the Committee that despite PlanD's discussions with the applicant's agent, the applicant had no intention to comply with the approval conditions in the manner as requested by the relevant departments.

Deliberation Session

28. In view of the fact that all the previous planning permissions were revoked due to non-compliance with the approval conditions, the Chairperson remarked that the applicant had failed to demonstrate any genuine intention to comply with the approval conditions. As all the previous planning approvals at the site were granted on a conditional basis, it was the applicant's responsibility to comply with the approval conditions as required by the relevant departments. Members concurred with the Chairperson's views and agreed that there was no justification to further tolerate the applied use at the site, and there was also no reason to give sympathetic consideration and to grant planning permission to the subject application.

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

- (a) the development would be subject to fire risks and would have adverse drainage impacts on the surrounding areas, and the submitted information could not demonstrate that the fire risks and adverse drainage impacts could be mitigated; and
- (b) the last 3 planning permissions granted to the applicant under Applications No. A/YL-HT/342, 451 and 547 were all revoked due to non-compliance with approval conditions, and the applicant had not demonstrated any intention to comply with approval conditions imposed by the Committee.

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/195 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light Goods Vehicles and Medium Goods Vehicles under Application No. A/YL-LFS/151 for a Period of 3 Years in “Residential (Group C)” zone, Lots No. 2847 (Part), 2849, 2850 and 2857 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/195)

Presentation and Question Sessions

30. 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 renewal of planning approval for temporary public vehicle park for private cars, light goods vehicles and medium goods vehicles under Application No. A/YL-LFS/151 for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comments from concerned Government departments were received;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The public vehicle park could serve the needs of residents in nearby villages and was therefore not in conflict with the planning intention of the “Residential (Group C)” (“R(C)”) zone. It was also not incompatible with

the surrounding area which was a rural neighbourhood. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “R(C)” zone on the Outline Zoning Plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP. Relevant Government departments had no adverse comment on the application and appropriate planning conditions had been recommended in the planning approval to address the concerns by the departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and be subject to enforcement action. Renewal of the application was in line with the Town Planning Board Guidelines No. 34A (TPB PG-No. 34A). The Committee had recently approved a similar application in the same “R(C)” zone and there had not been any change in planning circumstances since this approval. Approval of the subject application was in line with the Committee’s previous decision.

31. Members had no question on the application.

Deliberation Session

32. The Chairperson remarked that the application was basically a renewal of the planning permission for a period of 3 years and the approval conditions of the previously approved application (No. A/YL-LFS/113) had been complied with. Approval of the subject application was in line with the Committee’s previous decision. Members agreed.

33. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2012, 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 (i.e. no vehicular movement in/out/within the site) between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no repairing, dismantling or other workshop activity, as proposed by the

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

- (c) the noise mitigation measures, including the internal solid boundary wall implemented under the previously approved Application No. A/YL-LFS/113, should be adopted on the site during the planning approval period;
- (d) no heavy vehicle (i.e. over 24 tonnes), including container trailer and tractor, as proposed by the applicant, was allowed to be parked/stored on the site during the planning approval period;
- (e) no vehicle without valid licences issued under the Traffic Regulations was allowed to be parked/stored on the site during the planning approval period;
- (f) the existing trees on the site should be maintained during the planning approval period;
- (g) the existing drainage facilities implemented under the previously approved Applications No. A/YL-LFS/93, 113 and 151 should be maintained during the planning approval period;
- (h) the submission of a condition record 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 9.4.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2010;
- (k) the provision of fencing of the site within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;

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

34. 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's comments that the lots under application were Old Schedule Agricultural Lots held under the Block Government Lease under which no structure was allowed to be erected without prior approval from his Office, to apply for Short Term Tenancy/Waiver to regularize the irregularities on-site, and that the site was accessible through a track on GL. His office did not provide maintenance works for the track nor guarantee right-of-way;
- (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 Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for the maintenance of any access connecting the site and Tin Wah Road;
- (f) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general layout plans, and for the proposed converted container used as office and guardroom and temporary shelter, portable hand-operated approved appliances should be provided and should be clearly indicated on plans;
- (g) 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; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or storerooms were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; and formal submission of any proposed new works, including temporary structures for approval under the BO was required; if the site was not abutting on a street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant's inside services might need to be extended to the nearest suitable government water mains for

connection, to resolve any land matter (such as private lots) associated with the provision of water supply, and that the applicant should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

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

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/334 Temporary Open Storage of Vehicles (Medium Goods Vehicles) for a Period of 3 Years in "Village Type Development" zone, Lots 216 S.S RP (Part), 237 S.B ss.3 RP (Part), 237 S.B ss.4 (Part) and 237 S.B RP (Part) in D.D. 103, Ko Po Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/334)

Presentation and Question Sessions

35. Mr. K.K. 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 vehicles (medium goods vehicles) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the sensitive receivers in the vicinity of the site and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not compatible with the surrounding land uses which were predominated by existing and proposed residential dwellings/Small Houses. The open storage yards, parking lots, offices and a showroom close to the site were all suspected unauthorized development subject to enforcement action. The application was not in line with the Town Planning Board Guidelines No. 13E (TPB Guidelines No. 13E) in that DEP did not support the application and there was no approval for a similar use within the subject “Village Type Development” (“V”) zone since the promulgation of TPB Guidelines No. 13E. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “V” zone and the cumulative effect would result in a general degradation of the environment of the area.

36. Members had no question on the application.

Deliberation Session

37. While not objecting to PlanD's recommendation for the subject application, a Member noted that PlanD had recommended approval for temporary car park use at the site in the “V” zone several times prior to the promulgation of the TPB Guidelines No. 13E in 2008, but the recommendation was reversed thereafter. This Member enquired about the reasons behind such a change in PlanD's stance. In response, Mr. K.K. Lee advised that previous approvals granted at the site had taken into consideration the site context of the area, including residential developments planned/approved in the surrounding areas. As such, the previous approval had been granted with a shorter approval period of 1 year to monitor the situation. The Secretary explained that the “V” zone was within the Category 4 area; according to the TPB Guidelines No. 13E, for Category 4 area, a maximum period of 2 years might be allowed upon renewal of planning permission for an applicant to identify suitable sites for relocation, and that no further renewal of approval would be given unless under very exceptional circumstances. The rationale was to realize the planning intention of the zonings on the Outline Zoning Plan by phasing out the existing non-conforming uses. This

planning intention of phasing out non-conforming uses had been made very clear in the TPB Guidelines No. 13E. In this connection, PlanD accordingly recommended rejection of the subject application and other similar applications according to the TPB Guidelines No. 13E. The Chairperson pointed out that there was also a change in the circumstances in considering the subject application as there were now more planned/ committed residential developments in the vicinity of the site, the applied use, though reduced in scale, was incompatible with the surrounding land uses.

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

- (a) the development did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that the development was not compatible with the residential developments in the vicinity of the site and there was adverse departmental comment against the application regarding the environmental aspect; and
- (b) as no approval for a similar use had been granted within the “Village Type Development” (“V”) zone since the promulgation of TPB PG-No. 13E, 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 applications would result in a general degradation of the environment of the area.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/456 Temporary Logistics Centre for a Period of 3 Years
in “Undetermined” zone,
Lots 1220 RP (Part), 1238 (Part), 1239 (Part), 1240 (Part) and
1242 (Part) in D.D. 119, Kung Um Road, Tong Yan San Tsuen,
Yuen Long
(RNTPC Paper No. A/YL-TYST/456)

Presentation and Question Sessions

39. Mr. K.K. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary logistics centre for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there were three environmental complaints against the site in 2007, and did not support the application in view of the sensitive receivers of residential uses in the vicinity of the site and the expected environmental nuisance;
- (d) no public comment was received during the statutory publication period and no local comment was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The applied use was akin to a warehouse development and it was not in conflict with the planning intention of the “Undetermined” (“U”) zone. The development was considered not incompatible with the surrounding

areas. As there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application, the development was mainly for storage purpose within an enclosed warehouse, no further complaints were received in 2008 and 2009 and the complaints of 2007 might not be related to the current use. The applicant proposed not to operate the site during night time between 7:00 p.m. and 9:00 a.m. and on Sundays and public holidays and not to have open storage use. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address possible concern on the environmental impact, a shorter approval period of 1 year was proposed to monitor the situation on the site, and appropriate approval conditions were also recommended in the planning approval. Any non-compliance with the approval conditions would result in revocation of the planning permission and be subject to enforcement action. 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 environmental impact.

40. Members had no question on the application.

Deliberation Session

41. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.10.2010, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the 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 storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) no repairing, dismantling, cleaning and any other workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.1.2010;
- (f) in relation to (e) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.4.2010;
- (g) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (h) in relation to (g) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (i) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2010;
- (j) in relation to (i) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2010;
- (k) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 9.1.2010;

- (l) in relation to (k) 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 9.4.2010;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon 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.

42. 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 open storage of pipes, which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) shorter approval and compliance periods were allowed to monitor the development on the site and the progress on compliance with approval conditions;

- (d) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (e) to note District Lands Officer/Yuen Long, Lands Department's comments that his office reserved the right to take enforcement action against the erection of unauthorized structures, including converted containers, on the lots within the site if indeed found in due course. If the conditions of Short Term Waivers (STWs) No. 3267 and 3268 covering Lots 1238 and 1239 in D.D. 119 were breached, his office would initiate appropriate enforcement action. If the agricultural structures permitted on Lot 1240, 1242 and 1220 RP in D.D. 119 under the Letters of Approval (L of As) No. MNT 16226 and MT/LM 14544 were converted for non-agricultural purpose, his office might arrange to terminate the L of As. The registered lot owners 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-site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme of his office;
- (f) 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;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out to be constructed at the access point at Kung Um Road should be 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 existing pavement condition. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public

roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the applicant should consider providing surface channel along the northern site boundary and should also demonstrate that the proposed development would not obstruct overland flow and surface runoff;
- (j) to note the Director of Fire Services’ comments on the requirements on formulating fire service installations proposal in Appendix IV of the Paper;
- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (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. Besides, containers used as office or store were considered as temporary buildings and were subject to control under B(P)R Part VII. Provision of emergency vehicular access was also applicable under B(P)R 41D; and
- (l) to note the Director of Electrical and Mechanical Services’ comments that

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/458 Proposed Temporary Open Storage of Construction Machinery, Construction Materials and Recycled Materials including Metal and Plastic for a Period of 3 Years in “Undetermined” zone, Lots 2423 RP, 2426 RP (Part), 2427, 2428 RP, 2429 S.A, 2429 S.B, 2429 S.C, 2429 S.D, 2429 RP, 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2685 (Part), 2686 (Part), 2687 (Part), 2688, 2689, 2690, 2691, 2692, 2693 (Part), 2694, 2695, 2696, 2697, 2698 S.A, 2698 S.B, 2699, 2700, 2701, 2702, 2703, 2704 S.A&B, 2705, 2706, 2712 (Part), 2713, 2714, 2716 RP, 2717 RP and 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/458)

Presentation and Question Sessions

43. Mr. K.K. Lee, STP/TMYL, informed the Committee that on 7.10.2009, Planning Department (PlanD) received a letter from three land owners or managers of five lots within the application site stating that they had not submitted or authorized the submission of the subject application and they objected to the application. Mr. Lee said that the applicant had complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31) by advertising the notice of application in 3 local newspapers and posting the notice at the site as detailed in paragraph 3 of the Paper. During the 3 weeks statutory publication period of the application, the three land owners had not submitted comment on the application. Should the application be approved by the Committee, an advisory clause under paragraph 13.2 of the Paper would be recommended requesting the applicant to resolve any land issue relating to the development with the concerned owner(s) of the application site.

44. Mr. Lee then 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 materials and recycled materials including metal and plastic for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was one environmental complaint related to waste pollution on the site in 2009, and did not support the application in view of the sensitive receivers of residential uses along the access track to the site and the expected environmental nuisance. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application in view of the high potential for agricultural rehabilitation of the site;
- (d) during the statutory publication period, one public comment was received from the Indigenous Inhabitant Representative and the Resident

Representative of Lam Hau Tsuen objecting to the application on grounds of the proximity of the site to the residential dwellings of Lam Hau Tsuen which might give rise to fire accidents, hygienic problem, environmental pollution, noise impact and flooding problem. The District Officer (Yuen Long) received an objection letter from the Village Representative of Lam Hau Tsuen, which was the same as the public comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 13E (TPB PG-No.13E). There were similar applications in this part of the “Undetermined” (“U”) zone that had been approved with conditions. 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 proposed development was not incompatible with the surrounding areas. Although DAFC has reservation on the application, the area was generally intended for open storage use and the vegetation on the site had already been cleared with the site formed. While DEP did not support the application, there was no existing residential dwelling in the immediate surroundings of the site. Appropriate planning conditions were recommended in the planning approval to address the departmental concerns. However, as the proposed development adjoined the “V” zone of Lam Hau Tsuen and 14 Small House applications were being processed by District Lands Office/Yuen Long, a shorter approval period of 1 year was proposed to monitor the situation on the site. Moreover, a 20m wide buffer area prohibiting open storage was suggested to minimize any potential environmental nuisances on the adjoining “V” zone. Any non-compliance with the approval conditions would result in revocation of the planning permission and be subject to enforcement action. 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 environmental impact.

45. With regard to the objection raised by the 3 land owners, Members had a detailed

discussion on the issue. A Member enquired if the owners' consent was necessary for submission of planning application, and in case owners' objection was received or land disputes were encountered in relation to an application, whether the TPB should defer processing and consideration of the application until the problem on authorization between the land owners and the applicant was resolved. Another Member shared this view and considered that the notification requirements might not be sufficient as the applicant was only required to notify the land owners of the application on their land while there was no obligation for the applicant to provide details of the proposal. This Member opined that there should be a balance between facilitating development and protecting owners' right.

46. In response, the Chairperson said that under the Town Planning Ordinance (the Ordinance), an applicant was required either to obtain the owners' consent or to notify the land owners about the application according to the notification requirements stipulated in TPB Guidelines No. 31. Notwithstanding, the applicant was obliged to resolve any land issue relating to the development with the concerned land owners if he wished to implement the approved development subject to the TPB's approval. In the subject application, the applicant had complied with the notification requirements, whether or not the applied use could eventually be implemented would be subject to his endeavour to resolve the land issue with the concerned land owners.

47. The Secretary supplemented that during the review of the Town Planning Ordinance, considerations had been given in all respects to deriving an appropriate arrangement relating to the owners' notification and owners' consent. Unlike the subject application which was for temporary open storage use, the difficulty in land assembly by the developer in the development process was acknowledged. In the Hong Kong context, it was not uncommon for the project proponent to obtain the planning permission first before committing his investment on land assembly. The most important consideration was that the land owners should have the right to be notified of the application and be given the opportunity to comment on the application. The 2004 Amendment Ordinance set out the requirement of either obtaining owners' consent or owner's notification. The actual steps and procedures to notify the owners had also been specified in the relevant TPB Guidelines. This would ensure that the owners would be notified of any application on their land and could comment or raise objection on the application to the Town Planning Board. For the subject application, an objection was raised by the 3 land owners of the scattered lots within

the site. In the event that planning approval was granted, the applicant would be bound to settle the dispute with the concerned land owners if he wished to proceed with the approved development.

48. Another Member pointed out that the balance of interest was important in the conveyance of land or properties, as only a few non-compromising land owners could tie-down the entire project. This Member pointed out that, in any event, the right of the land owners had been protected as there was no way to implement any approved development proposal if the concerned land owners did not agree to the land transaction. The Chairperson said that the TPB should strike a balance of interests of parties concerned and it would not be appropriate to defer or withhold the processing of an application because of private land disputes rather than any planning considerations. The existing practice had ensured a balanced and transparent system in which the land owners were duly notified of the application affecting their land and were provided with the opportunity to express their views on the application to the TPB. Members generally agreed to the Chairperson's views. The Secretary drew Members' attention to the fact that the objection was raised by a few land owners of the scattered lots constituting only a small part of the site.

49. The Chairperson then enquired about the access arrangement to the site as the proposed access would pass through the village area to the west of the site. In response, Mr. K.K. Lee said that the site was accessible via a local track leading from Shan Ha Road to its west. The applicant proposed that this local track would be paved for access to the site whereas the existing ingress/egress in the eastern part of the site at Lam Tai West Road would be fenced off. The existing Lam Tai West Road, however, would not be used for access purpose as both Lam Tai East and West Roads were service roads for the nullah and there was a restriction on vehicles of 7m long from using the roads. Mr. Lee also informed the meeting that the open storage uses within the subject "U" zone to the west of Lam Tai West Road were using Shan Ha Road for access.

Deliberation Session

50. Members agreed that the planning approval should be granted for a period of 1 year and not 3 years requested by the applicant in order to monitor the progress of compliance with approval conditions. In view of the strong local objection to the

application, a Member suggested that the District Planning Office should liaise with the local villagers with a view to addressing their concerns. The Chairperson requested Mr. Lee to follow-up with the District Office (Yuen Long).

51. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.10.2010, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., 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 open storage within 20m from the northern and western boundaries of the application site adjoining the “Village Type Development” (“V”) zone was allowed during the planning approval period;
- (d) no electronic waste and used electrical appliances were allowed to be stored on the application site at any time during the planning approval period;
- (e) no dismantling, repairing, cleansing and any other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (f) 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;
- (g) the paving of the application site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 9.1.2010;

- (h) the provision of boundary fence on the application site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (i) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (j) in relation to (i) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (k) the submission of drainage study within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2010;
- (l) in relation to (k) above, the implementation of drainage facilities in accordance with the drainage study within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2010;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.1.2010;
- (n) in relation to (m) 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 9.4.2010;
- (o) 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;

- (p) if any of the above planning conditions (g), (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.

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

- (a) shorter approval period and compliance periods were allowed to monitor the development on the site and the progress on compliance with approval conditions;
- (b) to resolve any land issue 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 comments that his office reserved the right to take enforcement/control action against the erection of unauthorized structures, including converted containers, on the lots within the site and the unauthorized occupation of Government land if indeed found in due course. The occupier of the Government land and the registered lot owners concerned should apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW 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 owners. Moreover, the site was accessible through an informal village track on Government land/other private land. His office did not provide maintenance works to the track nor guarantee right-of-way;

- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (g) to note that double-row tree planning along the site boundary would be required to screen the site effectively in view of the large site area;
- (h) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (i) to note the Director of Fire Services' comments on the requirements on formulating fire service installations proposal in Appendix V of the Paper;
- (j) 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. Containers used as office were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; 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.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point. Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/460 Proposed Temporary Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 1198 S.A and S.C to S.G (Part), 1223 RP (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/460)

Presentation and Question Sessions

53. Mr. K.K. Lee, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary storage of advertisement material with ancillary workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the sensitive receivers of residential uses in the vicinity of the site and the expected environmental nuisance;
- (d) 1 public comment was received during the statutory publication period from a worker of an adjacent office who had no objection to the proposed use on the site but would like the TPB to prohibit the proposed ancillary workshop, or at least to restrict the activities and working hours of the workshop. No local comment was received by the District Officer (Yuen Long); and

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

- (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 use would be accommodated within a proposed open shed (about 220 m² and 4.8m in height) on the site. The uses were not in conflict with the planning intention of the “Undetermined” (“U”) zone. The development was considered not incompatible with the surrounding areas. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application, the development was mainly for storage purpose within a covered structure and the nearest residential structures were about 50m away from the site and separated by other warehouse and office uses. The applicant proposed no night-time operation for the workshop between 7:00 p.m. and 8:00 a.m. and no open storage use on the site, and significant environmental impact on the surrounding areas was not expected. Appropriate approval conditions had been recommended in the planning approval to address the relevant departmental concerns. Any non-compliance with the approval conditions would result in revocation of the planning permission and be subject to enforcement action. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to alleviate any potential environmental impact. Concerning the public comment objecting the proposed ancillary workshop, the activities to be carried out were minor in nature and within shed, adverse environmental impact on the surrounding areas was not expected.

54. In response to the Chairperson's enquiry, Mr. K.K. Lee referred Members to Plan A-2 of the Paper and said that while the exact location of the adjacent office relating to the public comment was not given by the commenter, it was likely that it referred to the warehouse with office use to the northeast of the site, which was also used for storage purpose.

Deliberation Session

55. In view of the local objection to the application, a Member suggested that the District Planning Office should liaise with the local villagers with a view to addressing their concerns. The Chairperson requested Mr. Lee to follow-up with the District Office (Yuen Long).

56. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) the existing landscape planting on the application site should be maintained at all times during the planning approval period;
- (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 9.4.2010;
- (f) in relation to (e) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 9.7.2010;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.4.2010;

- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2010;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2010;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2010;
- (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.

57. 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 issue 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 comments that his office reserved the right to take enforcement/control action against the erection of unauthorized structures, including converted containers, on the lots within the site and the unauthorized occupation of Government land if indeed found in due course. The occupier of the Government land and the registered lot owners concerned should apply to his office for Short Term Tenancy (STT) and Short Term Waiver (STW) to regularize the irregularities on the site. Should no STT/STW 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 owners;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department's comments that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the run-in/out to be constructed at the access point at Kung Um Road should be 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 existing pavement condition. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by DEP to minimize any potential environmental nuisances;
- (g) to note that storage materials should be removed from the trees/tree pits

within the site for the health of the trees;

- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should consider providing surface channel along the northern and southern site boundaries and should also demonstrate that the proposed development would not obstruct overland flow and surface runoff;
- (i) to note the Director of Fire Services' comments on the requirements on formulating fire service installations 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 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 (e.g. shed, container office/store), 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. Provision of emergency vehicular access was applicable under B(P)R 41D; and
- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his

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

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

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

Sha Tin, Tai Po and North District

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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/96 Temporary Open Storage of Construction Materials and
Equipment with Converted Containers for Ancillary Storage Uses
for a Period of 3 Years
in “Other Specified Uses” annotated “Port Back-up Uses” zone,
Lot 1193 S.A (Part) in D.D. 52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/96)

58. The Secretary reported that Dr. James C.W. Lau had declared an interest in the item as he had current business dealings with Ben Yeung & Associates Ltd., which was the consultant for the applicant. The Committee noted that Dr. Lau had tendered apologies for not attending the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and equipment with converted containers for ancillary storage uses for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in view of the domestic structures in the vicinity. As the site fell within the proposed Fanling North New Development Area under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) scheduled for completion in mid 2011, and the site formation works for development were tentatively scheduled to commence in 2014, the Director of Civil Engineering and Development (DCED) suggested that the effective period of permission for the application should be granted to a date not later than 2013 in order not to prejudice the NDAs development. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application due to the unsatisfactory tree preservation/ maintenance works found on site and previous record of non-compliance of the approval conditions (including one on the tree preservation and landscaping proposals), and casted doubt on the applicant's commitment to comply with the approval conditions for landscape works;
- (d) 2 public comments stating “no comment” were received during the statutory publication period and no local objection was received by the District Officer (North). The Chairman of Sheung Shui District Rural Committee supported the application and the concerned North District Council member, village representatives of Sheung Shui Heung and Wa

Shan Tsuen had no comment; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The use under application was considered in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) zone, it was not incompatible with the surrounding land uses and it was in line with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E). The concerns from DEP, CTP/UD&L and relevant departments could be addressed by the appropriate conditions recommended in the planning approval. The applicant would be advised to follow the ‘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. The Committee had approved 3 previous applications for the same use submitted by the same applicant and other similar applications in the same “OU(PBU)” zone. Approval of the subject application was in line with the Committee’s previous decisions. Although the previous planning permissions were revoked due to non-compliance with approval conditions, the applicant had complied with most of the approval conditions for application No. A/NE-FTA/77 except the conditions on submission and provision of fire service installations (FSI) and fire fighting water supplies. As the applicant had not been warned that further approval would not be granted upon revocation of the two previous approvals, consideration might be given to tolerate the use under application for the last time with shorter approval and compliance periods to monitor the progress of compliance. The applicant would be advised that failure again to comply with the approval condition(s) would result in the revocation of the planning permission, and no sympathetic consideration would be given to any further application unless under exceptional circumstances.

60. In response to the Chairperson’s enquiry, Ms. Stephanie P.H. Lai advised that the applicant had failed to comply with the approval conditions on the provision and implementation of FSIs installation and fire fighting water supplies while the other conditions

had been complied with. Mr. W.K. Hui supplemented that there were cases in the North District and other rural New Territories that the applicants had encountered difficulty to comply with the approval conditions on the fire safety aspect in which the Director of Fire Services (D of FS) had requested applicants to provide water tanks and sprinkler system. The applicant had submitted the FSIs proposals but failed to comply with D of FS's requirements. As a result, the previous planning permission (No. A/NE-FTA/77) was revoked. Despite the revocation, the applicant had made further attempt to seek planning approval in the present application and was sincere to comply with the approval conditions on the fire safety aspect. Sympathetic consideration might be given to the subject application. However, without compromising fire safety requirement, approval conditions were recommended requiring the applicant to comply with the fire safety requirements to the D of FS's satisfaction.

Deliberation Session

61. Members agreed that sympathetic consideration could be given to the application and 1-year approval was appropriate to monitor the progress of compliance with the approval conditions on the fire safety aspect by the applicant. However, the applicant should be advised that no further sympathetic consideration to further application would be granted unless under exceptional circumstances.

62. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 9.10.2010, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;

- (d) the submission of tree preservation and landscaping proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.1.2010;
- (e) in relation to (d) above, the implementation of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (f) the submission of proposals for firefighting access, fire service installations and water supplies within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.1.2010;
- (g) in relation to (f) above, the provision of firefighting access, fire service installations and water supplies within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2010;
- (h) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.1.2010;
- (i) in relation to (h) above, the implementation 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 9.4.2010;
- (j) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

63. The Committee also agreed to advise the applicant of the following :
- (a) prior planning permission should have been obtained before commencing the development on site;
 - (b) shorter approval and compliance periods were allowed in order to monitor the situation of the site and compliance of approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, no sympathetic consideration would be given to any further application unless under exceptional circumstances;
 - (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
 - (d) to apply to the District Lands Officer/North, Lands Department for a Short Term Waiver for regularization of the illegal structures;
 - (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
 - (ii) formal submission by an authorized person for the proposed development was required under the BO and if the site did not abut on a street of not less than 4.5 m wide, the development intensity of the site should be determined under the Building (Planning) Regulation (B(P)R)19(3) at the building plan submission stage;
 - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the

BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and

- (iv) use of containers as site office or store was considered as temporary buildings and was subject to control under the B(P)R Part VII and an emergency vehicular access should be provided under B(P)R 41D unless exempted;
- (f) to note the Chief Engineer/Development(2), Water Supplies Department's comment that for provision of water supply to the application site, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his Department's standards;
- (g) 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
- (h) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals:
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and 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 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.

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-KTN/131 Proposed Comprehensive Residential Development with Minor Relaxation of Plot Ratio and Site Coverage Restrictions in “Comprehensive Development Area” zone and an area shown as “Road”,
Lots 684 RP, 705 RP (Part), 706 RP (Part), 709 (Part), 711 (Part), 712, 713 RP, 715, 716, 717, 718 RP (Part), 719, 721 RP (Part), 2158 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/NE-KTN/131D)

64. The Committee noted that Planning Department (PlanD) requested the Town Planning Board (the Board) to defer consideration of the application. Ms. Stephanie P.H. Lai, STP/STN, said that in the Further Information (F.I.) submitted by the applicants on 14.9.2009, the applicants had claimed that as a result of the set back of the application site for widening of the access road, a bonus plot ratio (PR) of 0.08 and site coverage (SC) of 0.75% were sought bringing the total PR to 0.48 and SC to 22.75%. However, such proposed increase in bonus PR and SC did not tally with the submitted Master Layout Plan (MLP). As the MLP formed the basis on which the proposed scheme could be implemented, there was a need to rectify the issue of PR and SC in the F.I. and the proposed MLP. The applicants and PlanD were still working to clarify the discrepancies and more time was needed to resolve the matter. In view of this, PlanD recommended to defer a decision on the application pending clarification with the applicants on the PR and SC to be indicated on the MLP and to seek relevant Government departments’ views on the matter.

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

Agenda Item 17

Section 16 Application

[Open Meeting]

A/NE-KTS/282 Social Welfare Facility (Drug Rehabilitation and Recreation Centre)
in “Green Belt” zone,
48 Ki Lun Village, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/282)

66. The Committee noted that on 17.9.2009, the applicant wrote to the Secretary of the Town Planning Board (the Board) and requested the Board to defer consideration of the application for 2 months in order to allow more time for the applicant to prepare supplementary information to address the departmental comments on traffic and landscaping from Transport Department and the Landscape Unit of Planning Department, respectively.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/403 Temporary Vehicle, Machinery and
Construction Equipment Repair Workshop for a Period of 3 Years
in “Recreation” zone,
Lot 612 S.G in D.D. 85, Lau Shui Heung, Fanling
(RNTPC Paper No. A/NE-LYT/403)

Presentation and Question Sessions

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

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

- (a) background to the application;
- (b) the temporary vehicle, machinery and construction equipment repair workshop for a period of 3 years;
- (c) departmental comments – no objection to or no adverse comments from concerned Government departments were received;
- (d) 1 public comment stating “no comment” was received during the statutory publication period. Local objection and local view were received by the District Officer (North). The Chairman of the Fanling District Rural Committee objected to the application on traffic ground, whereas the concerned North District Council Member, the Residents’ Representative (RR) and Indigenous Inhabitants Representatives (IIRs) of Lung Yeuk Tau had no comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The applicant sought planning permission to continue to use the site for temporary vehicle, machinery and construction equipment repair workshop which was previously approved by the Committee and that all the approval conditions had been complied with. The current scheme was the same as that of the latest approved scheme (Application No. A/NE-LYT/336). There were no material change in the planning circumstances of the area. The applied use was considered not incompatible with the surrounding land uses. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the area as there was no known

programme for implementation of the intended use. There was a local objection on traffic ground. However, the Assistant Commissioner for Transport/New Territories had no objection to the development and other relevant departments also had no objection/comment on the application. As such, sympathetic consideration could be given to the application.

69. Members had no question on the application.

Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.10.2012, 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. to 8:00 a.m. was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicles were allowed to/from the application site during the planning approval period;
- (d) the existing permanent fence and the permanent barrier should be maintained during the planning approval period;
- (e) 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 9.4.2010;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.7.2010;

- (g) the submission of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.4.2010;
- (h) in relation to (g) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.7.2010;
- (i) the submission of landscaping and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.4.2010;
- (j) in relation to (i) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.7.2010;
- (k) if any of the above 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; and
- (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.

71. 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 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;

- (c) 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 concerned 400kV overhead lines;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that:
 - (i) water mains in the vicinity of the application site could not provide the standard firefighting flow;
 - (ii) the application site was located within the WSD's flood pumping gathering grounds associated with River Indus and River Ganges pumping stations;
- (e) to note the Director of Fire Services' advice that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations proposals:
 - (i) sufficient emergency lighting should be provided throughout the entire building in accordance with BS 5266: Part 1 and BS EN 1838;
 - (ii) sufficient directional and exit sign should be provided in accordance with BS 5266: Part 1 and 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 FS water tank should be provided. There should be sufficient hose reels to ensure that every part of each building could be reached by a length of not more than 30 m of hose reel tubing. The FS water tank, FS pumping room and hose reel should be clearly marked on plans;
- (v) portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; and
- (vi) 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.

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/683 Proposed Shop and Services
in “Other Specified Uses” annotated “Business” zone,
Workshop Nos. 5 & 6, Ground Floor, Corporation Park,
11 On Lai Street, Shek Mun, Sha Tin
(RNTPC Paper No. A/ST/683)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed shop and services;
- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application due to the co-existence of the application premises with other industrial occupancies on G/F;
- (d) 2 public comments were received during the statutory publication period objecting to the application on grounds of the possible adverse public order and reduced provision of canteens in Shek Mun. No local objection was received by the District Officer (Sha Tin); 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 “Shop and Services” use was not in line with the Town Planning Board Guidelines (TPB PG-No. 22D) in that the total commercial floor areas of 503m² on the ground floor applied for had far exceeded the maximum permissible limit of 460m². D of FS had raised objection to the applied use from fire safety point of view as the application premises would be co-existing with other industrial occupancies on G/F.

73. In response to a Member's enquiry, Mr. W.K. Hui clarified that the maximum permissible aggregate commercial floor space on the entire G/F was 460m² (with sprinkler system) and 230m² (without sprinkler system) according to the TPB Guidelines. As the proposed floor area of 503m² for the application premises under the subject application had already exceeded the maximum permissible, the application could not be supported. Should the applicant still wish to pursue the applied use, the floor area of the application premises should be reduced to meet the requirement stated in the TPB Guidelines. With reference to Plan A-3 of the Paper, another Member enquired if there were applications for the uses in Shops 1 (Express Limited), 2 and 3 (Canteens) and 7 (Estate Property Agency) that had been counted towards the 230m²/460m² maximum permissible aggregate commercial floor areas on G/F. In response, Mr. Hui said that “canteen” in Shops 2 and 3 was always permitted in

“OU(B)” zone, whereas information was not in hand as to whether Shops 1 and 7 had been counted towards the aggregate commercial floor areas. No planning application had been submitted for Shop 1 and Shop 7. Notwithstanding, as the proposed floor area of 503m² in the application premises had already exceeded the maximum permissible, the subject application was not supported in accordance with the TPB Guidelines No. 22D.

Deliberation Session

74. Members agreed that to be consistent with the practice of the TPB, the application could not be supported as the scale of the applied use had already exceeded the maximum permissible limit stipulated in the TPB Guidelines No. 22D.

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

- (a) the proposed ‘Shop and Services’ use did not comply with the Town Planning Board Guidelines for Development within “OU(Business)” Zone (TPB PG-No. 22D) as the total floor area accountable for the aggregate commercial floor area had exceeded the maximum permissible limit of 460m² ; and
- (b) the Director of Fire Services had raised objection to the proposed ‘Shop and Services’ use from fire safety point of view.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/292 Proposed House
(New Territories Exempted House (NTEH) - Small House)
in “Village Type Development” and “Agriculture” zones,
Government Land in D.D. 29, Ting Kok Village, Tai Po
(RNTPC Paper No. A/NE-TK/292)

Presentation and Question Sessions

76. 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 District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell within the work site of “Tolo Harbour Sewerage of Unsewered Areas Stage I Phase IIC – Village Sewerage at Ting Kok, Tai Po” that was allocated to Drainage Services Department (DSD) since February 2009. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application in view of the high potential for agricultural rehabilitation for the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view;
- (d) 2 public comments were received during the statutory publication period objecting to the application on grounds of the impact on the commenter’s fruit trees and the local villagers’ intention to use the site for public car park. Local objection was received by the District Officer (Tai Po). While the Indigenous Inhabitants Representative (IIR) and the Resident Representative (RR) of Ting Kok Village had no comment on the application, an indigenous inhabitant of Ting Kok Village objected to the application on the same ground of the public objection on the impact on the fruit trees; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. Although more than 50% of the footprint of the proposed Small House fell

within the “Village Type Development” (“V”) zone and there was a general shortage of land in meeting the future Small House demand in Ting Kok Village, the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development as the site fell within the work site (GLA-TTP 683) of a public sewerage project, namely “Tolo Harbour Sewerage of Unsewered Areas Stage I Phase IIC – Village Sewerage at Ting Kok, Tai Po”. The work site had been allocated to the DSD since February 2009. Relevant government departments did not support or had reservation on the application and there were local objections to the application.

77. Members had no question on the application.

Deliberation Session

78. Members agreed that the application could not be supported as the Government land under application had been allocated to DSD for sewerage works and could not be used for NTEH development.

79. After further deliberation, the Committee decided to reject the application and the reason was that 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 fell within the work site of a public sewerage project, namely “Tolo Harbour Sewerage of Unsewered Areas Stage I Phase IIC – Village Sewerage at Ting Kok, Tai Po”, and the work site had been allocated to the Drainage Services Department since February 2009.

80. The Chairperson said that the application under Agenda Item 21 would be conducted under closed meeting as it was submitted under the pre-amended Town Planning Ordinance (the Pre-Amendment Ordinance).

Agenda Item 21

[Closed Meeting]

Agenda Item 22

Any Other Business

85. There being no other business, the meeting was closed at 4:00 p.m..