

TOWN PLANNING BOARD

**Minutes of 407th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 20.11.2009**

Present

Director of Planning
Mrs. Ava S.Y. Ng

Chairperson

Mr. Alfred Donald Yap

Vice-chairman

Mr. David W.M. Chan

Professor David Dudgeon

Mr. Tony C.N. Kan

Dr. C.N. Ng

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

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

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

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Edmund K.H. Leung

Professor Edwin H.W. Chan

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

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

In Attendance

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 406th RNTPC Meeting held on 6.11.2009

[Open Meeting]

1. The draft minutes of the 406th RNTPC meeting held on 6.11.2009 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

[Mrs. Margaret W.F. Lam and Ms. Ann O.Y. Wong, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the

Approved Tung Chung Town Centre Area Outline Zoning Plan No. S/I-TCTC/16

(RNTPC Paper No. 19/09)

Presentation and Question Sessions

3. With the aid of a Powerpoint presentation, Margaret W.F. Lam, STP/SKIs, presented the Paper and covered the following main points as detailed in the Paper:

Background

- (a) Tung Chung Area 3 which was situated to the east of Tat Tung Road (the Main Amendment Site) had an area of about 1 ha. It was zoned

“Commercial” (“C”) on the Tung Chung Town Centre Area Outline Zoning Plan (OZP) with no development restriction. According to the Tung Chung Town Centre Area Layout Plan (LP) No. L/I-TCTC/1D, the Main Amendment Site was subject to a maximum plot ratio of 3 and a maximum building height of 70 mPD. The maximum plot ratio of 3 had not included the public transport terminus (PTT) which would be located at the ground level of the Site;

[Professor David Dudgeon and Mr.Y.M. Lee arrived to join the meeting at this point.]

- (b) the Main Amendment Site was located at the Tung Chung Town Centre and close to the Tung Chung MTR Station with good linkage to other areas. Together with its PTT at the ground level and the synergy effect from the adjacent existing development of retail, office and hotel (namely, the Citygate), the potential of the Main Amendment Site should be captured and maximized. Hence, a plot ratio of 5 (which included the proposed PTT of plot ratio 1 and an additional plot ratio of 1 for commercial uses) was considered acceptable without compromising the environmental and traffic conditions of the area. A visual impact analysis based on plot ratio of 5 and building height of 70 mPD revealed that development at the Main Amendment Site had only slight to moderate impact on the surrounding area;
- (c) since the Tung Chung Cable Car Terminal, which was zoned “Other Specified Uses” annotated “Cable Car Terminal and related Commercial Development” on the OZP, had been developed, the designation of Area A and Area B which was intended to control the distribution of gross floor area (GFA) was no longer required and should be deleted. The total non-domestic GFA was reduced from 11,000m² to 308m² to reflect the as-built commercial area;

Proposed Amendments to Matters Shown on the Plan

Items A1 & A4 – Rezoning from “Commercial” and area shown as ‘Road’

to “Commercial (1)” (about 1.00 ha)

- (d) it was proposed to rezone most of the Main Amendment Site from “Commercial” (“C”) to “Commercial(1)” (“C(1)”). Combined with an area zoned ‘Road’ to tally with the boundary of Tung Chung Town Lot 11, the proposed “C(1)” zone was subject to a plot ratio of 5 and a maximum building height of 70 mPD;

Item A2 – Rezoning from “C” to area shown as ‘Road’ (about 0.03 ha)

- (e) a strip at the southwestern part of the Main Amendment Site which was outside the boundary of Tung Chung Town Lot 11 and was occupied by a footbridge was rezoned to an area shown as ‘Road’ to reflect the as-built condition;

Items A3, A5 & A7 – Rezoning from “C”, “Open Space” (“O”) and area shown as ‘Road’ to “Comprehensive Development Area” (“CDA”) (about 0.15 ha)

- (f) boundary adjustments were proposed to tally with the boundaries of Tung Chung Town Lot 1 (Tung Chung Crescent) and Lot 2 (the Citygate);

Item A6 – Rezoning from area shown as ‘Road’ to “O” (about 0.01 ha)

- (g) a small piece of land to the east end of Mei Tung Street was built as an open area and did not form part of the street. A boundary adjustment was thus proposed to reflect the as-built condition of Mei Tung Street;

Item A8 – Rezoning from “CDA” to area shown as ‘Road’ (about 0.02 ha)

- (h) a boundary adjustment was proposed to reflect the as-built condition of Mei Tung Street and the boundary of Tung Chung Town Lot 1;

Item B1 – Deletion of the Sub-division of “Area A” and “Area B” on the

“Other Specified Uses” (“OU”) annotated “Cable Car Terminal and related Commercial Development” (about 0.76 ha)

- (i) it was proposed to delete the designation of “Area A” and “Area B” within the subject zone. The designation of “Area A” and “Area B” was originally intended to control the distribution of non-domestic GFA within the zone. As the designation was not necessary with the completion of the cable car terminal development, the restriction and the designation of “Area A” and “Area B” was no longer required. The maximum commercial GFA would be adjusted to 308m² to reflect the existing commercial area;

Items B2 & B3 – Rezoning from “O” and “Government, Institution or Community” to “OU” annotated “Cable Car Terminal and related Commercial Development” (about 0.16 ha)

- (j) boundary adjustments were proposed to tally with the Government Land Allocations respectively for Swimming Pool Complex in Tung Chung Area 2 and Tat Tung Road Garden;

Proposed Amendments to the Notes of the OZP

- (k) the proposed amendments to the Notes were mainly for incorporation of plot ratio and building height restrictions under the new remarks for the “C(1)” zone and the revision of GFA restriction and sub-division of the “OU” annotated “Cable Car Terminal and related Commercial Development” zone; and

Consultation

- (l) the proposed amendments had been circulated to the relevant Government departments and bureaux for comments. No adverse comments were received. The Islands District Council, the Mutual Aid Committees and relevant Owners’ Corporations would be consulted on the proposed amendments prior to or during the gazette of the OZP.

4. Members had no question on the application.

Deliberation Session

5. After deliberation, the Committee decided to :
- (a) agree to the proposed amendments to the approved Tung Chung Town Centre Area Outline Zoning Plan (OZP) No. S/I-TCTC/16 and that the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/16A at Appendix II of the Paper (to be renumbered to S/I-TCTC/17 upon exhibition) and its Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
 - (b) agree that the revised Explanatory Statement (ES) at Appendix IV of the Paper to be adopted as an expression of the planning intentions and objectives of the Board for the various land use zonings on the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/16A; and
 - (c) agree that the revised ES at Appendix IV of the paper was suitable for exhibition together with the draft Tung Chung Town Centre Area OZP No. S/I-TCTC/16A (to be renumbered to S/I-TCTC/17 upon exhibition) and to be issued under the name of the Board.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/173 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lots 546 S.A, 546 RP and Adjoining Government Land in D.D. 244,
Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/173)

Presentation and Question Sessions

6. With the aid of a Powerpoint presentation, Ms. Ann O.Y. Wong, STP/SKIs, presented the Paper and covered the following main points as detailed in the Paper:

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation did not support the planning application since the area was a piece of good agricultural land. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application since the approval of this application would set an undesirable precedent for other similar developments within an area zoned “Agriculture” (“AGR”) in Ho Chung. The cumulative traffic impacts on the limited local road network had not been assessed and ascertained;
- (d) three public comments were received during the statutory publication period. These public comments were submitted by Designing Hong Kong Limited and two members of the general public. They objected to the application because it was within the “AGR” zone, the area lack sustainable village layout for quality transport, road works, public facilities, amenities and public spaces. There were major concerns about adverse traffic and infrastructure impacts. The District Officer/Sai Kung advised that no local objection had been received relating to the application site. However, he advised that he had received complaints from village residents about the access blockage problem from time to time. The problem had aroused grave concern from the local community; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application complied with the Interim Criteria in that the application

site was located within the village 'environs' and there was a general shortage of land in meeting Small House development in the "V" zone. Regarding the AC for T/NT, TD's and the public comments on access road, the Government did not guarantee any right-of-way for Small House development as most village area was on private land and the provision of access roads required the consent of concerned private land owners. A number of similar planning applications in "AGR" zone near Ho Chung New Village had been approved for Small House development.

7. Members had no question on the application.

Deliberation Session

8. The Chairperson said that the application had complied with the interim criteria for assessment of planning application for NTEH/Small House development and could be approved.

9. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) note the comments of the Director of Water Supplies that for provision of

water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards. The water main in the vicinity of the site could not provide the standard fire-fighting flow;

- (b) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) to improve the landscape setting of the haphazard Small House development within the "Agriculture" zone, preservation of existing trees within and in proximity to the application site and additional tree planting around the application site were recommended; and
 - (ii) all existing trees should be preserved and protected during the construction of the proposed septic tank and associated piping works.

[The Chairperson thanked Mrs. Margaret W.F. Lam and Ms. Ann O.Y. Wong, STPs/SKIs, for their attendance to answer Members' enquires. Mrs. Lam and Ms. Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms. Lisa L.S. Cheng, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendment to the Draft Sham Chung Outline Zoning Plan No. S/NE-SC/1
(RNTPC Paper No. 20/09)

[Dr. James C.W. Lau arrived to join the meeting at this point.]

11. Members noted that Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd., which was one of the land owners in Sham Chung. Members agree that since the item involved a plan-making process, Mr. Yap and Mr. Cheng could stay in the meeting.

Presentation and Question Sessions

12. With the aid of a Powerpoint presentation, Ms. Lisa L.S. Cheng, STP/STN, presented the Paper and covered the following main points as detailed in the Paper:

Proposed Amendment to the Notes of the Plan

- (a) the proposed amendment to the OZP was to update the land uses permitted in “Green Belt” (“GB”) zone in accordance with the latest Master Schedule of Notes (MSN) to Statutory Plans. It involved the adding of ‘Social Welfare Facility’ into Column 2 of the Notes of the “GB” zone in order to provide flexibility in allowing some welfare facilities or community services to be provided within areas zoned “GB” to serve the local community or the general public upon application to the Board. Some of the existing rural structures within “GB” zone, e.g. the Catholic Church cum old school building which had some heritage value, might be put to such uses. The amendment was basically technical in nature to align with the latest MSN. No amendment to the Explanatory Statement of the OZP was required; and

Consultation

- (b) Government departments consulted had no adverse comment. The Tai Po District Council (or its sub-committee) and the Sai Kung North Rural Committee would be consulted on the proposed amendment to the draft OZP shortly after the exhibition of the Plan.

13. In response to the Chairperson's query, Ms. Lisa Cheng advised that the inclusion of "social welfare facility" as a Column 2 use under the "GB" zone applied to all the areas under "GB" zone of the OZP. A Member asked whether it was in line with the general practice to allow social welfare facilities in "GB" and whether such use would apply only to redevelopment of existing buildings or would allow development of new buildings within the "GB" zone. Ms. Lisa Cheng responded that the proposed amendment was in accordance with the Master Schedule of Notes to Statutory Plans and since the social welfare facility was included in Column 2 of the "GB" zone, planning permission for development and redevelopment from the Town Planning Board was required. The Secretary said that the proposed inclusion of social welfare facility as Column 2 use under the "GB" zone applied to all land under the "GB" zone and would not be restricted only to the existing church building. Such an amendment was in line with uses under "GB" zone of the other OZPs.

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

Deliberation Session

14. After further deliberation, the Committee decided to :
- (a) agree to the proposed amendment to the draft Sham Chung Outline Zoning Plan (OZP) No. S/NE-SC/1A as described in paragraph 3 of the Paper;
 - (b) agree that the Amendment Plan No. S/NE-SC/1A at Annex B of the Paper (to be renumbered to S/NE-SC/2 upon gazetting) and the Notes of the Amendment Plan at Annex C of the Paper were suitable for exhibition for public inspection under section 7 of the Ordinance;
 - (c) adopt the Explanatory Statement (ES) at Annex D as an expression of the

planning intention and objectives of the Board for various land use zonings on the draft Sham Chung OZP; and

- (d) agree that the ES at Annex D was suitable for exhibition for public inspection together with the draft Sham Chung OZP and to be issued under the name of the Board.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-SC/1 Proposed Temporary Ecological Enhancement Works
for a Period of 3 Years
in “Agriculture” and “Coastal Protection Area” zones,
Various Lots in D.D. 190 and D.D. 203 and
Adjoining Government Land, Sham Chung
(RNTPC Paper No. A/DPA/NE-SC/1)

15. The Secretary reported that the application was submitted by the subsidiaries of Sun Hung Kai Properties Ltd.. Mr. Alfred Donald Yap and Mr. Y.K. Cheng had declared interests in this item for having current business dealings with Sun Hung Kai Properties Ltd.. Since the World Wild Fund for Nature (WWF) Hong Kong had submitted comments on the application, Professor David Dudgeon had declared interests on this application as he was a member of the Management and Development Committee of WWF. As the applicant had requested for a deferment of consideration of the application, Members agreed that Mr. Yap, Mr. Cheng and Professor David Dudgeon could stay at the meeting.

[Mr. Rock C. N. Chen arrived to join the meeting at this point.]

Presentation and Question Sessions

16. The Committee noted that the applicant requested on 6.11.2009 for a deferment of the consideration of the application for two months in view of the gazettal of the draft Sham Chung OZP and the ongoing representation process, and preparation of responses to

the outstanding departmental comments on the application.

Deliberation Session

17. 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 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 the Committee had allowed two months, resulting in a total of 10 months for preparation of submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/389 Proposed Two Houses
(New Territories Exempted Houses - Small Houses)
in “Village Type Development” and “Agriculture” zones,
Lots 971S.A ss.2, 971S.A ss.3, 971S.B ss.1, 971S.C ss.1 and
971S.C RP in D.D. 7, Wai Tau Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/389)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site was partly under the “Agriculture” zone on the outline zoning plan and had high potential for rehabilitation for agricultural purposes. However, he further advised that the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories was applicable subject to the information provided by District Lands Officer/Tai Po (DLO/TP);
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and

[Dr. C.N. Ng left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed two Small House developments complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria) in that more than 50% of the footprint of each proposed Small House was within the “Village Type Development” (“V”) zone of Wai Tau Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. Regarding DAFC’s comments, the Interim Criteria was applicable according to the information provided by DLO/TP. Furthermore, the site was close to the village cluster of Wai Tau Tsuen and the proposed Small House was not incompatible with the surrounding rural environment and village setting. Although the application site was within the water gathering ground, it would be able to be connected to the planned sewerage system in the area.

19. Members had no question on the application.

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

Deliberation Session

20. The Chairperson remarked that the application had complied with the interim criteria for assessment of planning application for NTEH/Small House development and could be approved.

21. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

22. The Committee also agreed to advise the applicant :

- (a) that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;

- (b) that adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) to note that there was no existing Drainage Services Department (DSD) maintained public stormwater drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) to note that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the development and the provision of septic tank;
- (e) to make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (f) to pay continuing attention on the latest development of the proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;
- (g) to note that the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (h) that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (i) to approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within

or in the vicinity of the application site;

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/438

Proposed Two Houses

(New Territories Exempted Houses - Small Houses)

in “Village Type Development” and “Comprehensive Development Area (1)” zones, Lots 206F and 206G in D.D 11, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/438)

Presentation and Question Sessions

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

[Dr. C.N. Ng returned to join the meeting at this point.]

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) 2 public comments from the owners association of Fung King Villa and a resident of the same Villa was received during the statutory publication period. The former objected to the proposed use as they feared that it would affect Lots 1715, 1716, 207ss 2 and 207 SA ss 1 owned by the Villa and the latter objected to the proposal because the proposed use was located too close to their Villa and would cause air, noise and water pollutions and reduce the width of the public road; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that over 50% of the footprint of the proposed Small Houses fell within the “Village Type Development” (“V”) zone. There was a general shortage of land in meeting the demand for Small House development in the “V” zone. Since less than 50% of the application site was in the “Comprehensive Development Area (1)” zone, the approval of the application would not jeopardize its implementation. The proposed Small Houses were generally compatible with the surrounding rural and village development. Regarding the public comments, the application site did not include the lots mentioned by the commenter and in view of the small scale of the proposed development, it would unlikely cause major pollution.

24. Members had no question on the application.

25. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

26. The Committee also agreed to advise the applicants:

- (a) that there were no existing Drainage Services Department (DSD) maintained public stormwater drains available for connection in the vicinity of the application site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the subject site as well as overland flow from the surrounding areas. The applicants were required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (b) that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (c) that for provision of water supply to the proposed development, the applicants might need to extend their inside services to the nearest suitable

Government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Services Department's standards;

- (d) that the water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (e) that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (f) that the applicants should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicants should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
 - (ii) prior to establishing any structure within the application site, the applicants and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection)

Regulation should be observed by the applicants and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (g) that the applicants should closely liaise with the owner of TPTL 183 to ensure that the subject small houses would not encroach onto the Green Area (Fung Yuen Road) and the future road to be formed by the owner of TPTL 183. The applicants were reminded that mitigation measures against noise, dust etc, from public road might be needed.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/283 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 642 S.E in D.D. 100, Tsiu Keng Village, Kwu Tung South,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/283)

27. The Secretary reported that the World Wide Fund for Nature (WWF) Hong Kong had submitted comments on the application. Professor David Dudgeon had declared an interest in this application as he was a member of Mai Po Management and Development Committee of WWF.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application because the application site was graded ‘good’ agricultural land with ‘high’ potential for agricultural rehabilitation. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had reservation on the application since the approval of the application would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial;
- (d) 2 public comments from a member of the public and World Wide Fund (WWF) were received during the statutory publication period. The former indicated ‘no comment’ and the latter was concerned about the potential landscape impact of the proposed development to the surrounding areas; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The proposed Small House development complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of Tsiu Keng Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the same village. Regarding the DAFC and AC for T/NT, TD’s comments, the site was located to the immediate east of the “V” zone and fell entirely within the ‘VE’. Besides, there were 13 similar applications for Small House development in the vicinity of the application site previously approved with conditions by the Committee. The proposed Small House development was considered not incompatible with the adjacent village setting and the surroundings. To address the WWF’s concern on the potential landscape impact, an approval condition on submission and implementation of landscaping proposals was proposed to be imposed.

29. Members had no question on the application.

Deliberation Session

30. Noting that there were no trees on site, the Chairperson asked why the submission and implementation of tree preservation proposal was required under the approval condition. Ms. Lisa Cheng explained that though there was no tree on the application site, there were some shrubs and grass and Chief Town Planner/Urban Design and Landscape had proposed to impose such a condition to ensure that the existing landscape would be well preserved. A Member noted that there were trees surrounding the site. Ms. Lisa Cheng said that there were trees to the south of the application site. In replying to another Member's question, Ms. Lisa Cheng advised that the existing vegetation was common species.

31. The Members generally agreed that since there was no tree on the application site, the approval condition should be revised to exclude the requirement for the submission and implementation of tree preservation proposal.

32. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

33. The Committee also agreed to advise the applicant:

- (a) to note the Chief Engineer/Development(2), Water Supplies Department's (WSD) comments that:
 - (i) for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and be responsible for the construction, operation and maintenance of the inside services within private lots to WSD's standards;
 - (ii) the application site was located within WSD flooding pumping gathering ground; and
 - (iii) water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (b) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

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

[The Chairperson thanked Ms. Lisa L.S. Cheng STP/STN, for her attendance to answer Members' enquires. Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/191 Proposed Public Utility Installation (Electricity Package Substation) in “Village Type Development” zone,
Government Land in D.D. 124, Sun Fung Wai near Shun Tat Street,
Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/191)

Presentation and Question Sessions

34. The Committee noted that the applicant requested on 5.11.2009 for a deferment of the consideration of the application to allow more time to address technical issues with concerned parties.

Deliberation Session

35. 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 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/311 Renewal of Planning Approval for Temporary Open Storage of New Vehicles (Cars, Taxis and Light Goods Vehicles only) under Application No. A/YL-PS/255 for a Period of 3 Years in “Recreation” zone, Lots 89, 90, 91RP, 92RP, 93 to 105, 106(Part), 107 to 109, 110(Part), 111, 112(Part), 113, 202RP(Part), 203(Part), 204(Part), 205(Part), 206(Part), 207 to 210, 214, 217 to 220, 221(Part), 224(Part), 226(Part), 227(Part), 228 to 230, 231(Part), 233(Part), 234(Part), 235(Part), 236 to 240, 241(Part), 295(Part), 296, 297, 298S.A to S.D, 298RP, 299, 300, 301(Part), 302(Part), 303 to 306, 312 to 314, 316(Part), 317(Part) and 318 in D.D. 126 and Adjoining Government Land, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/311)

Presentation and Question Sessions

36. The Committee noted that the applicant requested on 3.11.2009 for a deferment of the consideration of the application for two months in order to allow time to provide additional information to support the application.

Deliberation Session

37. 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. Since the planning permission under Application No. A/YL-PS/255 would expire on 1.12.2009, the Committee also agreed to advise the applicant that the application would be considered as a fresh application instead of a renewal application as currently applied. The applicant would also be informed 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/170 Proposed Temporary Eating Place (Canteen)
and Shop and Services (Agency Shop) for a Period of 3 Years
in “Village Type Development” zone,
Lot 1864 RP in D.D. 120, Yuen Long
(RNTPC Paper No. A/YL/170)

Presentation and Question Sessions

38. The Committee noted that the applicant requested on 4.11.2009 for a deferment of the consideration of the application for two months in order to allow time to prepare further information in order to address departmental comments and substantiate the application.

Deliberation Session

39. 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/599 Temporary Open Storage of Private Cars and Light/
Medium Goods Vehicles Prior to Sale for a Period of 2 Years
in “Village Type Development” zone, Lots 2116 S.B ss.11 (Part),
2116 S.B RP (Part) and 2124 S.B RP (Part) in D.D. 111,
Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/599)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private cars and light/medium goods vehicles prior to sale for a period of 2 years;
- (c) departmental comments – the District Lands Officer/Yuen Long advised that the Small House applications in the vicinity of the application sites were either under active processing or pending processing. Director of Environmental Protection advised that the site was already in operation and no environmental complaints on the existing temporary use site was received in the past 3 years;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views –PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The site fell within Category 4 areas under the Town Planning Board

Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E). The continuation of the applied use on the site was also not in line with the TPB PG-No. 13E since granting the temporary permission No. A/YL-PH/256 to the applicant for the use for 12 months in 1999, a total of 5.5 years had already been given under applications No. A/YL-PH/328, 417, 477 and 549 to allow time for the applicant to relocate his business to other suitable locations. The applicant had been advised under the latest approval No. A/YL-PH/549 that no further renewal of planning permission would be allowed. The continuous occupation of the site for the applied temporary open storage use would frustrate the planning intention of the “Village Type Development” zone on the OZP. Besides, the applicant did not comply with the approval conditions in the last permission. The development was considered not compatible with the surrounding areas which were predominated by residential developments and homes for the aged. There were also approved/submitted Small House applications in the immediate neighbourhood of the site. There was no information in the submission to demonstrate why suitable sites within the “Open Storage” zone were not available for the applied use.

Deliberation Session

41. A Member asked whether the applicant had been informed that planning permission would not be granted again. Ms. S. H. Lam responded that the applicant had been advised when the latest approval No. A/YL-PH/549 was granted that the site fell within Category 4 of the TPB PG-No. 13E, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible and no further planning permission would be granted. She supplemented that since the granting of planning application No. A/YL-PH/417, only 12-month approval was granted to allow time for the applicant to relocate his business to other suitable locations.

42. The Chairperson said that since there were Small House applications in the vicinity and the non-conforming uses should be phased out as soon as possible, the subject application should not be approved.

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

- (a) the continuous occupation of the site for the applied temporary open storage use was not in line with the planning intention of the “Village Type Development” zone on the Outline Zoning Plan (OZP), which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within the zone was primarily intended for development of Small Houses by indigenous villagers. There was insufficient justification in the submission for further departure from such planning intention, even on a temporary basis;
- (b) the continuous use on the site was not in line with the TPB PG-No. 13E in that the site fell within Category 4 areas, the intention of which was to encourage the phasing out of such non-conforming uses as early as possible. There was no exceptional circumstances to allow the continuation of the applied open storage use on-site. Sufficient time had already been allowed for the applicant to relocate the use to other suitable locations;
- (c) the development was considered not compatible with the surrounding areas which were predominated by residential developments and homes for the aged; and
- (d) there was about 96.46 ha of land zoned “Open Storage” (“OS”) on the Pat Heung OZP. There was no information in the submission to demonstrate why suitable sites within the “OS” zones were not available for the applied use.

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/463 Temporary Warehouse for Storage of Construction Materials
and Miscellaneous Goods for a Period of 3 Years
in “Undetermined” zone, Lots 1399 (Part), 1401 S.A to S.D (Part)
and 1402 (Part) in D.D. 119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/463)

Presentation and Question Sessions

44. Mr. C.K. Tsang, TP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials and miscellaneous goods for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and southwest and in the vicinity of the site in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Environmental nuisance was expected. There was one environmental complaint related to air pollution on the site in 2009;
- (d) one public comment was received from a Yuen Long District Council member raising objection to the application during the statutory publication period. The District Council member considered that the revocation of the last planning approval reflected the applicant’s insincerity to comply with the approval conditions and, as such, the current application should be rejected; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 11 of the paper. The warehouse use was not in conflict with the planning intention of the “Undetermined” zone. Besides, the proposed development was considered not incompatible with the areas to its north and east which already comprised a number of open storage yards, warehouses and workshop. Since there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Regarding DEP's comments, the proposed development was for storage purpose in enclosed warehouse structures and would not be operated in night time, significant environmental impact on the surrounding areas was not expected. To address possible concern on the environmental impact, approval conditions restricting the operation hours and prohibiting open storage use and workshop activities were recommended. Regarding the public comment, in view of the fact that the relevant departments consulted generally had no adverse comment on the application and the environmental concerns of DEP could be addressed by imposing relevant approval conditions with shorter approval and compliance periods to monitor the progress of compliance, the current application might be tolerated on sympathetic consideration. Since the approval of the last application was revoked due to non-compliance with the condition, the application might be tolerated for one more time but subject to shorter compliance periods to monitor the progress of compliance.

45. Members had no question on the application.

Deliberation Session

46. The Chairperson asked whether the applicant was aware that no workshop activities should be carried out on the site. Mr. C. K. Tsang advised that the warning letter issued to the applicant before the revocation had clearly indicated that workshop activities were not allowed.

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 20.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the 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) no workshop activities should be carried out on the application site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing landscaping trees on the application site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2010;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately

without further notice;

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

48. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) that shorter approval period and compliance periods were allowed to monitor the development on the site and the progress on compliance with approval conditions;
- (c) that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of 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's comments that his office reserved the right to take enforcement/control action against the unauthorized structures, including converted containers, erected on the lots within the site if indeed found in due course. The registered lot owners should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-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 or other private land. His office did not provide maintenance works to the track nor guarantee right-of-way;

- (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 his Department should not be responsible for the maintenance of any access to the site from 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 Director of Fire Services' comments on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the Paper;
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the Buildings Ordinance was required. If the site did

not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. 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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/335 Proposed Temporary Public Vehicle Park
(Excluding Container Vehicle) for a Period of 5 Years
in "Village Type Development" zone,
Lot 225 RP (Part) in D.D. 109, Tai Hong Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/335)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) two public comments were received from 10 local villagers and a local resident during the statutory publication period. The local villagers strongly objected to the application as the proposed development would cause road safety problem as the nearby road was narrow and the road traffic was very busy. The development would also affect the health of the villagers as it would generate a large amount of exhaust and affect the tranquil village life. Besides, the applicant (i.e. the manager of the Tso), in letting out the proposed car park, did not act for the benefit of their village or ensure that there was a level playing field for its descendants. Another commenter proposed a number of measures such as fencing, posting notice, adjustment on the artificial lighting and appropriate landscape arrangement which would help minimize the impacts arising from the proposed development. District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) advised that he received a local objection from a group of villagers of Tai Hong Wai which was same as one of the public comments received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 12 of the paper. Given its temporary nature and there was no Small House application underway, the development would not frustrate the long-term planning intention of the

“Village Type Development” zone. The use under application was considered not incompatible with the surrounding land uses. Regarding the public comments, relevant government departments consulted had no adverse comment on the application. To address the possible environmental concerns, a shorter approval period of 1 year, instead of 5 years as proposed by the applicant, were recommended so as to monitor the situation on the site. The last approval was revoked due to non-compliance with approval conditions, a shorter compliance periods were proposed to monitor the progress of compliance.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 20.11.2010, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance and container vehicles, as proposed by the applicant, were allowed to be parked/stored on the site during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site during the planning approval period;
- (d) the provision of 3m high boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2010;

- (e) the provision of mitigation measures to minimize any possible nuisance of noise and artificial lighting on the site to the residents nearby within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2010;
- (f) 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 20.2.2010;
- (g) in relation to (f) above, the implementation of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2010;
- (h) 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 20.2.2010;
- (i) in relation to (h) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.5.2010;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2010;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2010;
- (l) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

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

- (a) that a shorter approval period was granted and shorter compliance periods were imposed so as to monitor the situation and fulfilment of approval conditions on the site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (b) to note District Lands Officer/Yuen Long's comments that the site was situated on an Old Schedule Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval from his office. His office reserved the right to take lease enforcement against unauthorized structures on the site. The site was accessible from Kam Tai Road through a short stretch of Government land (GL) and his office did not carry out maintenance works of the GL. His offices did not guarantee right-of-way. The registered owner of the lots should apply to his office for Short Term Wavier (STW) to regularized unauthorized structures on the site. Should no STW application be received/approved and unauthorized structures persist on the site, his office would consider taking appropriate lease enforcement action against the registered owner;
- (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 minimise any potential environmental nuisances;

- (d) to note the Director of Agriculture, Fisheries and Conservation’s comments that disturbance to the trees (particularly to the root system) in the vicinity of the site should be avoided;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that the granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future. Authorized Person had to be appointed to coordinate all building works;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating the FSIs proposal for the proposed structure, the applicant was advised to provide one portable hand-operated approved appliance for the guard house. The portable hand-operated approved appliance should be clearly indicated on plans; and
- (h) to note the Director of Electrical and Mechanical Services’ comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line)

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/336 Renewal of Planning Approval for Temporary
“Open Storage of Private Vehicles and Vehicle Parts” under
Application No. A/YL-KTN/266 for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 629 S.Q, 630 S.B ss.15 and 653 S.B RP (Part) in D.D. 110,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/336)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary “open storage of private vehicles and vehicle parts” under Application No. A/YL-KTN/266 for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the planning application in accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” as there were sensitive receivers, i.e. residential structures, in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past three years;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 3 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 13E in that the approval condition of previous application had been complied with and no adverse comment from the relevant departments except DEP had been received. To address the DEP’s concern, approval conditions restricting the operation hours and types of vehicles as well as activities on site were recommended. The scale of the development was relatively small and the environmental nuisances generated by the development would not be significant. Besides, the site was the subject of 6 previous planning permissions for same open storage use since 1998. The development was considered not incompatible with the surrounding areas which were mixed with open storage yards. As there was no known programme for the implementation of the zoned use at the site, the temporary planning permission for another 3 years would not frustrate the planning intention of the “Residential (Group D)” zone.

54. The Chairperson asked whether the application included the sale of vehicle at the site. Mr. C. K. Tsang responded that the use under application was for the open storage of private vehicles and vehicle parts and there was on indication in the submission for sale of

vehicles.

Deliberation Session

55. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2012, 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 9:00 a.m. daily, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors were allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site during the planning approval period;
- (d) the setting back of the southern boundary of the application site by 25m from Kam Tin Road, as proposed by the applicant, at any time during the planning approval period;
- (e) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fencing of the application site at any time during the planning approval period;
- (f) the existing fencing erected should be maintained at all times during the planning approval period;
- (g) the existing trees should be preserved and the landscaping planting on the site should be maintained at all times during the planning approval period;

- (h) the drainage facilities on the application site should be maintained as under Application No.A/YL-KTN/266 at all times during the planning approval period;
- (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 20.5.2010;
- (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 20.8.2010;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issue relating to the development with other concerned owner of the application site;
- (b) note District Lands Officer/Yuen Long's comments that the site was situated on 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. A Short Term Waiver (STW)

No.2461 was approved for Lot No.629S.Q in D.D. 110 permitting structures for the use of storage of private vehicles and vehicle parts with Built-over Area not exceeding 245m² and height not exceeding 4.5m. His office reserved the right to take enforcement action against any change in the use of the structures and their excessive dimension. The registered owner should apply for modification of the above-mentioned STW if necessary. Should no application for modification be received/approved and irregularities persist on the site, his office would consider taking appropriate lease enforcement action against the registered owner. Besides, the site was accessible to Kam Tin Road through a short stretch of Government land (GL). His office did not carry out maintenance works of the GL. This portion of GL was affected by a Highways Department's (HyD) project namely "Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road". HyD should be consulted in this regard;

- (c) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works were subject to compliance with Building Ordinance. Authorized Person had to be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future;
- (e) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSI proposal for the proposed

structure, the applicant was advised to make reference to the requirements in Appendix VI of this RNTPC paper. If the applicant wish to apply for exemption from the prevision of certain fire service installations, justification should be given to his department for consideration. Detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans; and

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/472 Proposed Comprehensive Residential Development and
Minor Relaxation in Building Height Restriction
in “Comprehensive Development Area” zone,
Lots 547 RP (Part) and 2160 RP in D.D. 106 and
Adjoining Government Land, Tung Wui Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/472)

57. The Secretary reported that the applicant was a subsidiary of Henderson Land Development Co. Ltd (the Henderson). Mr. Donald Yap had declared an interest in this item as he had current business dealings with the Henderson. Dr. James Lau had current business dealings with Ho Tin & Associates Consulting Engineers Ltd., who was a member of the consultancy team for the application. Nevertheless, the applicant had requested for a deferment of consideration of the application. Member agreed that Mr. Yap and Dr. Lau could stay in the meeting.

Presentation and Question Sessions

58. The Committee noted that the applicant requested on 17.11.2009 for a deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of the relevant departments.

Deliberation Session

59. 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/YL-KTS/473 Temporary Facility for Processing of Organic Fertilizers
for a Period of 3 Years in “Agriculture” zone,
Lots 118 RP (Part), 120 (Part), 121 (Part) and 122 (Part) in D.D. 113
and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/473)

Presentation and Question Sessions

60. The Committee noted that the applicant requested on 12.11.2009 for a deferment of the consideration of the application for two months to allow time to prepare supplementary information to address the environmental issues.

Deliberation Session

61. 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 Items 19 and 20

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/476 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1812 S.C ss.1 in D.D. 106, Yuen Kong San Tsuen,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/476)

A/YL-KTS/477 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lot 1812 S.B ss.1 in D.D. 106, Yuen Kong San Tsuen,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/477)

62. Noting that the two applications were similar in nature and the application sites were close to each other, Members agreed that the applications could be considered together.

Presentation and Question Session

63. Mr. C.K. Tsang, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) at each of the application sites;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from Designing Hong Kong Limited was received during the statutory publication period. The public commenter objected to both applications on the grounds that the area lack a plan for sustainable

village layout comprising appropriate measures for quality transport, road works, parking facilities, quality drainage facilities and waterworks, street lighting, amenities, public spaces and appropriate urban design elements; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to both applications based on the assessments given in paragraph 12 of the Papers. The proposed developments were considered compatible with the surrounding village settlement of Yuen Kong San Tsuen and the nearby village houses. The applications complied with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the sites were wholly located within the draft village ‘environs’ of Yuen Kong San Tsuen and there was a shortage of land within the “Village Type Development” zone for Yuen Kong San Tsuen to meet the demand forecast for Small House development. Besides, previous planning applications for both applications had been approved. Regarding the public comments on the lack of a sustainable village layout plan, the draft Yuen Kong and Yuen Kong San Tsuen Layout Plan No. L/YL-YK/C (the layout plan) had been prepared to provide a land-use framework to guide the land uses for future development of the village. However, the application sites were located outside the layout plan.

64. Members had no question on the applications.

Deliberation Session

65. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, each permission should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (b) the design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.

66. The Committee also agreed to advise the applicant of Application No. A/YL-KTS/476 to :

- (a) note District Lands Officer/Yuen Long's (DLO/YL) comments that no structure was allowed to be erected on the subject lot without prior approval from her office pursuant to the lease restriction. The applicant's Small House application would be further processed provided that the applicant had obtained a planning permission in respect of the subject lot;
- (b) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should ensure that his development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area;
- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed for the site formation and communal drainage works;
- (e) note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by DLO/YL; and

- (f) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. Besides, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

67. The Committee also agreed to advise the applicant of Application No. A/YL-KTS/477 to :

- (a) note District Lands Officer/Yuen Long's (DLO/YL) comments that no structure was allowed to be erected on the subject lot without prior approval from her office pursuant to the lease restriction. The applicant's Small House application would be reconsidered provided that the applicant had obtained a planning permission in respect of the subject lot;
- (b) note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (c) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the applicant should ensure that his development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area;

- (d) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with the Buildings Ordinance. Authorized Person had to be appointed for the site formation and communal drainage works;
- (e) note the Director of Fire Services' comments that emergency vehicular access (EVA), fire hydrant and fire service installations (FSIs) would be required in accordance with the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by Lands Department. Detailed fire safety requirements on EVA, fire hydrant and FSIs would be formulated upon the receipt of formal application referred by DLO/YL; and
- (f) note the Director of Electrical and Mechanical Services' comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site. Besides, the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.

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

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

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

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/652 Proposed Public Utility Installation (Telecommunications Electronic Microwave Repeater (Microcell Base Station))
in “Agriculture” zone,
Government Land near Lot No. 396 S.A RP in D.D. 128,
Deep Bay Road, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/652)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (telecommunications electronic microwave repeater (microcell base station));
- (c) departmental comments – the Director-General of Telecommunications supported the application since the proposed use was to enhance mobile service coverage in the vicinity of Deep Bay Road. It was the Government’s policy to encourage mobile network operators to improve their service coverage in country parks and remote areas. To this end, the Government had introduced a number of measures to facilitate the installation of radio base station (RBS) in country parks and remote areas, including subletting Government land at nominal rental and allowing the use of existing Government hilltop sites;
- (d) District Officer (Yuen Long) advised that a group of 7 Pak Nai Tsuen villagers strongly objected to the application. The ground of objection included that (i) the proposed development was in close proximity to residential dwellings, (ii) villagers were concerned about radiation from the

proposed development, (iii) the proposed development would result in serious psychological pressure on the villagers; and (iv) the proposed development would affect the sleep of nearby residents, and lead to loss of concentration during work; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed development was intended to serve the remote Deep Bay area near Sheung Pak Nai where the mobile signal was weak, and the strong overspill of signal from the mainland might cause false roaming of mobile phone services. In this regard, the proposed development was located within its intended catchment. The present site was bare land with no residential dwelling within a 50m radius. There was no suitable alternative site along this section of Deep Bay Road which was further away from residential dwellings. It was not incompatible with the surrounding uses. The Committee had approved 2 similar Applications No. A/YL-HT/482 and 537 for the same use within the same “AGR” zone. Regarding the local concerns, the nearest residential dwelling was about 55m away to the northeast of the proposed development and Director of Health advised that there was no convincing scientific evidence to show that radio base stations would pose health risks. Nevertheless, the applicant was advised to liaise with the local residents to explain the proposed development, including any possible impacts and mitigation measures to help create public understanding and greater acceptance of the proposed facility.

Deliberation Session

69. The Chairperson remarked that the site was suitable for the applied use. Regarding the concerns of the residents, District Officer/Yuen Long should be requested to help liaise with the residents and the applicant to strengthen their communication and to facilitate a better understanding of the proposed facility.

70. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2013, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the condition that the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) liaise with the local residents to explain the proposed development, including any possible impacts and mitigation measures to help create public understanding and greater acceptance of the proposed facility;
- (b) apply to the District Lands Officer/Yuen Long for a land grant/tenancy to effect the proposal;
- (c) note the comments of the Director of Health that the proposed microcell base station should comply with the relevant code of practice issued by the Office of the Telecommunications Authority which followed the International Commission on Non-Ionizing Radiation Protection guidelines, and that the compliance with the code should be verified by direct on-site measurement, to be performed by relevant parties, upon commissioning of the concerned base station;
- (d) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including the concrete plinth, for approval under the Buildings Ordinance was required. Detailed consideration would be provided at the building plan submission stage; and
- (e) note the comments of the Director of Electrical and Mechanical Services to approach the electricity supplier for the acquisition of cable plans to find

out whether there was any underground cable and/or overhead line within or in the vicinity of the site. If there was underground cable and/or overhead line within or in the vicinity of the site, the applicant should carry out the following measures:

- (i) if the site was within the preferred working corridor of high voltage overhead lines at a transmission voltage of 132kV and above, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/653 Temporary Open Storage of Wastes
(including Plastic, Metal and Paper Board) for a Period of 3 Years
in “Comprehensive Development Area” zone,
Lot No. 3212 RP (Part) in D.D.129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/653)

Presentation and Question Sessions

72. Mr. Anthony C.Y. Lee, STP/TMYL, informed Members that Drawings A-1 to A-3 of the Paper was tabled at the meeting for Members' reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of wastes (including plastic, metal and paper board) for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest being less than 45m away) and the access roads (Ping Ha Road and Fung Kong Tsuen Road) and environmental nuisance was expected. However, no pollution complaint against the site was received from January 2006 to August 2009;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was generally in line with the TPB PG-No. 13E in that there was no adverse comment from concerned Government departments except DEP whose concerns could be addressed by way of approval conditions. The applied use was not incompatible with the surrounding uses. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone on the outline zoning plan (OZP) since

there was not yet any programme/known intention to implement the zoned use on the OZP. Regarding DEP's comment, there was no pollution complaint against the site over the last 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee/Board had recently approved similar applications in the same "CDA" zone. Approval of the subject application was therefore in line with the Committee's previous decisions.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2012, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/439 should be maintained at all times during the planning approval period;

- (f) 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 20.5.2010;
- (g) the demolition of all existing structures on-site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2010;
- (h) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (i) if any of the above planning conditions (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) 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; to apply for Short Term Tenancy (STT) to regularize the unauthorized occupation of Government land. Should no STT application be received/approved and the irregularities persist on-site, his office would consider taking appropriate

land control action against the occupier;

- (c) 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) 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;
- (e) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface runoff flowing from the site onto nearby public roads/drains through the site access; and
- (f) 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 office and store were considered as temporary buildings and were subject to control under Building (Planning) Regulation Part VII.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/654 Proposed Temporary Open Storage of Vehicle Parts
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lots No. 2949(Part), 2950 RP(Part) and 2956(Part) in D.D. 129,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/654)

Presentation and Question Sessions

76. Mr. Anthony C.Y. Lee, STP/TMYL, informed the Members that Plans A-1 to A-5 were distributed to Members before the meeting and Drawings A-1 to A-3 was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of vehicle parts for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site fell within Category 1 areas under the “Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13E). The development was

generally in line with the TPB PG-No. 13E in that the site fell within Category 1 areas and there was no adverse comment from concerned Government departments. The applied use was not incompatible with the surrounding uses. Besides, the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “Comprehensive Development Area” (“CDA”) zone on the outline zoning plan (OZP) since there was not yet any programme/known intention to implement the zoned use on the OZP. Furthermore, no pollution complaint against the site was received over the last 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities had been recommended. Due to the demand for open storage and port back-up uses in the area, the Committee/Board had recently approved similar applications in the same “CDA” zone. Approval of the subject application was therefore in line with the Committee’s previous decisions.

77. Members had no question on the application.

Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2012, 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 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 workshop activity, including dismantling, repairing and cleansing, as proposed by the applicant, was allowed on the site during the planning approval period;

- (d) the existing trees on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities implemented on the site under Application No. A/YL-HT/467 should be maintained at all times during the planning approval period;
- (f) 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 20.5.2010;
- (g) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2010;
- (h) in relation to (g) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2010;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (j) if any of the above planning conditions (f), (g) or (h) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) 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; to apply for Short Term Waiver (STW) for the structures (including converted containers) erected/to be erected on-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 occupier/registered owners; and his office did not provide maintenance works to the informal access track to the site nor guarantee right-of-way;
- (c) 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) 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;
- (e) note the Director of Fire Services' comments on the requirements of formulating fire service installations proposals as stated in Appendix V of the Paper; and
- (f) 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 office and 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.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/244 Proposed Temporary Fish Farming for a Period of 3 Years
in “Comprehensive Development Area” zone,
Government Land in D.D.104, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/244)

Presentation and Question Sessions

80. 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 fish farming for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the paper. The site was part of the larger site zoned “Comprehensive Development Area” (“CDA”). Given the time required for completing the planning and land administration procedures, approval of the proposed fish farming for 3 years would not jeopardize implementation of the “CDA” zone. The applicant had also agreed to vacate the site whenever required by the government. On the other hand, the proposed use could make good use of the idle land prior to the realization of the permanent development. Besides, the temporary fish farming was not incompatible with the surrounding areas which were predominately rural in character. In view of the nature and small scale of the proposed use, it was unlikely to cause adverse traffic, environmental, ecological, drainage and landscape impacts on the area.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (b) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2010;
- (c) in relation to (b) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2010;

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

83. The Committee also agreed to advise the applicant :

- (a) that prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to note District Lands Officer/Yuen Long's comments that the application site encroached upon three parcels of unleased Government land which should not be occupied without approval from his office. Besides, there were unauthorized structures erected or to be erected on the government land within the site. His office reserved the right to take land control action against these irregularities, if indeed found in due course. Should planning approval be given, the applicant should be reminded to seek permission from his office to regularize the irregularities on site. Notwithstanding, his office did not guarantee permission would be given. Should no application be received / approved and the irregularities persist on site, his office would consider taking appropriate land control action against the applicant according to the prevailing programme of his office in this regard. The southern portion of the site was accessible through an informal village track straddling on private land and government land. His office did not provide maintenance works on government land nor guarantee right-of-way;
- (c) to note the Director of Agriculture, Fisheries and Conservation's comments that some planting sites had been established as ecological mitigation measures for the Main Drainage Channels for Ngau Tam Mei Phase 2

along the alignments of the proposed development. According to the information provided, the proposed development was immediately adjacent to the planting sites managed by his department. Encroachment or disturbance to these planting sites should be avoided. Moreover an abandoned meander was noted adjacent to the site. The applicant should be advised to minimize any disturbance to the existing vegetation and the watercourse nearby, especially in terms of surface runoff; and

- (d) to note the Director of Fire Services' comments that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In formulating the FSIs proposal, the applicant should observe the requirements on provisions of emergency lighting, directional and exit sign, fire alarm system, hose reel system and portable hand-operated approved appliances as stated in Appendix II of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration.

[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 25

Any Other Business

84. There being no other business, the meeting was closed at 3:40 p.m..